

14 February 5, 2018, and February 6, 2018

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Monday, February 5, 2018

2 THE COURT: Does the Government have its  
3 next witness or evidence?

4 MR. BECK: Yes, Your Honor. The United  
5 States calls Guadalupe Urquiza.

6 THE COURT: Mr. Urquizo, if you'll come up  
7 and stand next to the witness box, before you're  
8 seated, my courtroom deputy, Ms. Standridge, will  
9 swear you in. Raise your right hand to the best of  
10 your ability there.

11 GUADALUPE URQUIZO,

12 after having been first duly sworn under oath,  
13 was questioned, and testified as follows:

14 THE CLERK: Please be seated. State and  
15 spell your name for the record.

16 THE WITNESS: Guadalupe Urquiza.

17 THE COURT: Mr. Urquiza, Mr. Beck.

18 DIRECT EXAMINATION

19 | BY MR. BECK:

20 Q. Mr

21 for the record.

1 enterprise?

2 A. 1998.

3 Q. And who brought you in?

4 A. Presidente Richard Garcia; Harry Ortega,  
5 they call him Butch; and Joe Gordon.

6 Q. What does it mean to earn your bones?

7 A. To earn your bones, you got to either  
8 assault or stab or kill somebody.

9 Q. How did you earn your bones?

10 A. I assaulted inmates, correction officers.  
11 I eventually stabbed a correction officer.

12 Q. Did you stab someone named Paul Lasner?

13 A. Yes, sir.

14 Q. And why was that SNM-related?

15 A. Well, because that's when I first came to  
16 SNM, and that was part of earning my bones. So they  
17 asked me if I wanted to do it, and I said yeah.

18 Q. Who asked you?

19 A. At that time it was Leroy Torrez. He was  
20 the one running the facility where I was at, at the  
21 South.

22 Q. Is Leroy Torrez an SNM member?

23 A. Yes, sir. He was the main SNM leader at  
24 that time.

25 Q. Do you have any SNM tattoos?

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1 A. Me, yes, sir. I have a few of them.

2 Q. Where are they?

3 A. I have one on my hand, my right hand that  
4 says S with an NM inside of it. And I have a 505  
5 with an S inside of it. Then I have a big old Zia  
6 on my stomach that says "Syndicato de Nuevo Mexico."

7 Q. Does the SNM have a leadership structure?

8 A. Yes, sir.

9 Q. What is that?

10 A. It's like -- it's a tabla or like a panel,  
11 and it has like the main person on the top, and then  
12 it has, like, a board, a few people, from four to  
13 six people on there.

14 Q. While you've been a member of the SNM, who  
15 is the leader of the SNM?

16 A. That would be Anthony Baca, Pup.

17 Q. Is Mr. Baca in this courtroom?

18 A. Yes, sir. I don't know where he is.

19 Q. Go ahead and point to him, if you see him.

20 A. He's back there in the back.

21 MR. BECK: Let the record reflect he  
22 pointed to the defendant Mr. Baca.

23 THE COURT: The record will so reflect.

24 BY MR. BECK:

25 Q. What types of inmates does the SNM try to

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1 recruit?

2 A. They're violent, they're crazy, they're  
3 down to do anything. They are down to stab, assault  
4 people, bring in drugs, whatever.

5 Q. Why is that?

6 A. Because that's what they want. They want  
7 to have control of all the prisons. So you try to  
8 pick people that look like the most craziest that  
9 are willing to do anything, so that's what they look  
10 for.

11 Q. Did you have a hand in recruiting any SNM  
12 members?

13 A. Yeah, I recruited a few.

14 Q. Did you recruit someone by the name of  
15 Mario Rodriguez, or Blue?

16 A. I didn't actually recruit him, but I  
17 helped bring him in by telling him how everything  
18 was about SNM, what it stands for, what we do, and  
19 so I told Baby Robert that he would be a good  
20 candidate to bring in, and he was brought in because  
21 of that.

22 Q. Why did you think Mr. Mario Rodriguez was  
23 a good --

24 A. Because he had a lot of charges for -- he  
25 had just assaulted some corrections officers in

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1 Santa Rosa Prison, so we knew that he had that  
2 mentality that would be good for SNM.

3 Q. I think you talked about telling Mario  
4 Rodriguez some of the rules and how the SNM works.  
5 What are those rules?

6 A. The rules is: Number 1, that you always  
7 got to be loyal to your brothers, have respect, be  
8 willing to do anything, an assault; you have to  
9 assault. You can't have sex crimes come in. You  
10 can't be telling, you can't be snitching, working  
11 with the law. Stuff like that.

12 Q. And what if someone violates those rules?

13 A. Pretty much dead. I mean, you're going to  
14 get stabbed. So you get a chance, they're going to  
15 stab you.

16 Q. If you bring in someone to the SNM and  
17 that person that you bring in violates one of the  
18 rules, what's your responsibility?

19 A. To make sure to take care of it. To make  
20 sure -- it depends what kind of violation they got.  
21 If it was just something simple, then maybe you  
22 could get a few people beat him up, or have this  
23 thing where you beat somebody up for, like, a minute  
24 or two, whatever, a violation. But if it's serious,  
25 where they told, or they let one of your brothers

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1 down, then more than likely they got to get stabbed.

2 Q. What do you mean, "told"?

3 A. Like if you go and tell the corrections  
4 officers or the law enforcement or whoever that --  
5 like, telling in prison -- we call it ratting,  
6 snitching. That's one thing that you can't do.

7 Q. Does that include testifying in court?

8 A. Definitely, yes.

9 Q. Have you ever testified in court before?

10 A. No, never. This is the first time.

11 Q. I want to talk to you about drugs in the  
12 prison. How does the SNM control the drugs in the  
13 prison?

14 A. There's many ways to control it. One is  
15 by bringing them in, into the visits. You try to  
16 hire maybe correction officers by paying them off or  
17 even intimidating them, telling them that if they  
18 don't bring drugs in, that we know where their  
19 family lives, and we're going to do something to  
20 their family.

21 There's many ways. Through the mail, in  
22 legal mail, or even by other prisoners that bring it  
23 in that isn't SNM. If they bring it in, then the  
24 SNM will go up to them and tell them, "Since you  
25 brought that in, you've got to give it to me," and

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1       they'll get a little percentage and the SNM keeps  
2       the rest of it.

3           Q.     So the SNM takes drugs from prisoners who  
4       are not SNM members?

5           A.     Yes.

6           Q.     While you were in prison with the SNM, did  
7       you sell Suboxone?

8           A.     Not Suboxone, no.

9           Q.     Did you sell other drugs?

10          A.    Yeah, before, I have. Before, like,  
11       whenever -- be like heroin. I don't do that, so I  
12       would get it and sell it or trade it for canteen or  
13       whatever. Yes, I have.

14          Q.    Why don't you do heroin?

15          A.    I don't like doing heroin. But I had a  
16       bad episode back in 2009 with methamphetamine. I  
17       did methamphetamine and I lost my mind. I didn't  
18       know what was going on. I slit my throat and almost  
19       killed myself in the county jail. So since then, I  
20       try to step away from drugs.

21          Q.    Does the SNM get drugs when you go outside  
22       the prisons onto the streets?

23          A.    Oh, yeah.

24          Q.    Have you gotten drugs when you were  
25       outside on the streets?

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1 A. Yes, I did.

2 Q. And what do you do with those drugs?

3 A. Back in -- I got on -- 2006, I got some  
4 drugs and I sold them. I sold them. And then the  
5 money that I made I sent to certain brothers that  
6 were in prison.

7 Q. Who did you send that money to?

8 A. To David Calbert a few times, to Baby  
9 Robert, and Arturo Garcia.

10 Q. Is that expected of you as an SNM member?

11 A. Yes, sir.

12 Q. How do inmates -- how do SNM members  
13 communicate with each other inside the prison?

14 A. There's many ways. The huilas, which  
15 means kites or letters, you either write a letter to  
16 that person and put in it a code where only you and  
17 that person know; or even through phone calls. You  
18 could call somebody, like you call your wife, and  
19 then his wife will call the other wife, and then  
20 she'll deliver the message to the other prisoner.

21 Q. Do SNM members talk in code?

22 A. Yes.

23 Q. Have you communicated with other SNM  
24 members in code?

25 A. Quite a few with Calbert, with Mario

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1 Rodriguez. There's been Victor Martinez, Little  
2 Spider. There's a few people that I did like that,  
3 yes.

4 Q. I want to talk to you about crimes that  
5 you've done that are related to the SNM. Did you  
6 assault an inmate related to the SNM in 1998?

7 A. Yes, sir.

8 Q. Who was that?

9 A. Honestly, I don't know his name. I know  
10 it's RT, but I was just told, "Hey, youngster, go  
11 get him," so I did.

12 Q. Who were you told that by?

13 A. By Leroy Torrez.

14 Q. Is he an SNM member?

15 A. Yes, sir.

16 Q. And then in 1999, did you assault a  
17 corrections officer related to the SNM?

18 A. Yes, sir.

19 Q. What happened?

20 A. We had just got moved from Hobbs to the  
21 North facility. It was level --

22 Q. Who is "we"?

23 A. The SNM, all the SNM from Hobbs. There  
24 was just -- we were causing too much trouble there,  
25 a murder had just been committed, so they got tired

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1 of having SNM there, so they sent all the SNMers to  
2 a North facility. And it was called Program ISU,  
3 Intense Supervision Unit. And there were 46 of us  
4 there. And out of all 46, everybody started going  
5 off, broke the windows, lights, burned, flooded.  
6 And no matter what, if you get a chance, you assault  
7 a corrections officer.

8 So I was one of the first ones that got a  
9 chance. So I head-butted a correction officer as  
10 soon as they opened my door to take me to medical.

11 Q. When you said there were 46 of us, there  
12 were 46 SNM members? Is that what you mean?

13 A. Yes, sir.

14 Q. In 1999, did you possess a shank related  
15 to SNM activities?

16 A. Yes, sir, I did.

17 Q. What was that?

18 A. It was a shank that I had made, and it was  
19 for a correction officer, because we were going to  
20 try to prove to the corrections officers that we  
21 were not going to be locked down. So we were going  
22 to try anything and everything we could to get out  
23 of the ISU. So we were told by the older SNM  
24 leaders to handle that, so that's what we were going  
25 to do. So I had a shank to try to stab a CO.

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1       Q.    In 2002, did you commit a crime outside  
2 the prison related to SNM?

3       A.    Yes, sir.

4       Q.    What happened?

5       A.    In 2002, we started having problems --  
6 what I mean "we," SNM started having problems with  
7 Surenos from California. They assaulted some SNMers  
8 in other prisons. So before I got out, Arturo  
9 Garcia, Gerald Archuleta, Michael Zamora, and I  
10 believe there's another one person, said, as soon as  
11 I get out, to try to make a point and try to do  
12 something to prove that we were for reals, and try  
13 to get ahold of a Sureno and kill them or shoot them  
14 or whatever.

15           And I got out April -- I want to say April  
16 5th of 2002, and 10 days later I ran into a Sureno.  
17 He ran up to my car and told me he was a Sureno. I  
18 told him, "Syndicato," and I shot him in the face.

19       Q.    What did you do after you shot him in the  
20 face?

21       A.    I got out of my car, and got on top of him  
22 and tried to shoot him again, but my gun got jammed.  
23 So I got back in my car and I took off. I went on a  
24 hide-speed chase. And I was caught like three  
25 months later in Espanola, New Mexico.

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1 Q. Did you eventually plead guilty to a crime  
2 in connection with that?

3 A. Yes, I pled guilty to possession of a  
4 firearm. And they dropped the charges for  
5 first-degree attempted murder and shooting from a  
6 motor vehicle.

7 Q. Do you know what an STG means in the  
8 corrections department?

9 A. Yes, sir.

10 Q. What is that?

11 A. Security Threat Group.

12 Q. Is the SNM an STG?

13 A. They are like the Number 1, yes, Number 1.

14 Q. Is the Surenos an STG?

15 A. Now they are, yes.

16 Q. So is the Surenos another prison gang?

17 A. That's another prison gang, yes, sir.

18 Q. In 2005 did you attempt to commit another  
19 crime for the SNM?

20 A. Yes, sir.

21 Q. What did you do?

22 A. I assaulted Robert Saucedo.

23 Q. How did that happen?

24 A. Well, we -- at that time we started having  
25 problems again with -- there was another prison gang

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1 that was coming along, and they were called the  
2 Cruces Boys. Robert Saucedo was one of the guys  
3 that started Cruces Boys, and he was disrespecting  
4 all the SNMers. So again, the older homies from SNM  
5 said, "If you get a chance, try to get this guy."

6                   And I was trying to stab him for, like, a  
7 week or two. And anytime we go to the yard, we  
8 never met up. The day that I finally got a chance  
9 to meet up with him, I didn't have a shank. So when  
10 I was coming in from rec, I was handcuffed, and he  
11 was handcuffed, too. As I was coming in, he was  
12 coming out of W pod. So I slipped my cuffs and I  
13 punched him, and dropped him to the ground. And at  
14 that time another SNM that was coming out from X  
15 pod, Edward Garcia, started kicking him. So that's  
16 what happened that day.

17                   Q. What does "slip your cuffs" mean?

18                   A. I was handcuffed in the back. And back  
19 then, my hands were even skinnier than they are now  
20 and I could slip the cuffs off. I took the cuffs  
21 off, I took my right hand off. So by the time he  
22 got close to me, I already had my handcuff taken  
23 off, and I punched him in the face.

24                   Q. In 2002, did you assault a corrections  
25 officer related to SNM?

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1 A. Yes, sir.

2 Q. What happened?

3 A. That was a correction officer that  
4 disrespected all of us in the pod. And there was an  
5 older one by the name of Ruben Ojos. He said,  
6 "Whoever gets a chance, get this CO for  
7 disrespecting."

8 Well, it just happened that later on that  
9 day they were supposed to open, I believe, R3.  
10 Instead, they opened Q3, which was my cell. And it  
11 just happened I came out of my cell. And I called  
12 out to that CO and I told him, "Hey, man. Why you  
13 disrespecting us?"

14 And they told me, "Just get him."

15 So I assaulted him. I dropped him and I  
16 got a broom that was there and I started hitting him  
17 with the broom. I broke the broom over his head and  
18 just assaulted him with the broom.

19 Q. And how is that an SNM hit?

20 A. Because I was told by -- like I said, he  
21 disrespected the S. He was being disrespectful. So  
22 Ruben Ojos told me if I get a chance -- well, not  
23 just me, but if anybody gets the chance to get him.  
24 And I'm the one who had the chance, so I got him.

25 Q. And in December 2016, did you commit a

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1 crime for the SNM?

2 A. Yes, sir.

3 Q. What did you do?

4 A. I got into an altercation with Greg  
5 Chacon. We were having a little dispute about  
6 politics, about how SNM should be ran. He wanted --  
7 after everybody got indicted and locked down or  
8 whatever, we were still coming out of the Level 4.  
9 And he wanted to do it like how Pup, Anthony Baca,  
10 wanted to do it, by having this policy where you do  
11 roll call, and you got to do mandatory workout, and  
12 you got make sure that everybody is doing what  
13 they're supposed to do. But that right there --  
14 what he was trying to do is a Sureno thing. It's  
15 not an SNM thing. So I disagreed with it. And at  
16 that time me with another inmate were running that  
17 pod. So we disagreed with it, and he got all mad.  
18 So I told him, "We'll take care of this," and we got  
19 into a fight right there, and I ended up biting his  
20 face. So I assaulted him because of that.

21 Q. Who was the other inmate that you were  
22 running the pod with in December?

23 A. Javier Rubio.

24 Q. Was he an SNM member?

25 A. Yes, sir.

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1       Q. Now, you said you got in a disagreement  
2 over politics. How is that related to the SNM?

3       A. Because he wanted to run the SNM the way  
4 he wanted to, and I told him that we shouldn't do it  
5 like that, but we need to stop doing this -- how do  
6 you say -- like back talking, talking bad about  
7 other people, because that's what this was every  
8 single day, was talking bad about SNM, about this  
9 guy and that guy. So me and Javier were trying to  
10 put a stop to that, trying to be brothers, and  
11 trying to get along as one, and this guy didn't want  
12 to do that. He wanted to run it a different way,  
13 and we just didn't agree with that.

14       Q. So as an SNM member, if you and Rubio are  
15 running the pod at that time and there's another  
16 person coming in, Greg Chacon trying to change the  
17 rules, is it incumbent on you, as running the pod,  
18 to stop that?

19       A. Yes, sir.

20       Q. Did Javier Rubio have a green light or an  
21 order to murder him in December 2016?

22       A. Yes, sir, he did. It was put on by  
23 Anthony Baca.

24       Q. Did you tell him that?

25       A. Yes, sir, I did.

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1       Q. Now, shortly after December 2016, did you  
2 agree to cooperate with the Government in this case?

3       A. Yes, sir, I did.

4       Q. When was that?

5       A. It was in, I want to say, like, February  
6 26, the end of -- February 26 of 2017.

7       Q. And how did you come to cooperate with the  
8 Government?

9       A. I was pulled out by FBI Agent Mr. Acee,  
10 and he talked to me about what was going on, and he  
11 wanted me to see if I wanted to talk. At first -- I  
12 did a lot of thinking. I didn't. And then I  
13 decided that I did want to talk to him.

14       Q. Why did you want to talk to him?

15       A. Well, because I was -- I was tired of it.  
16 I was tired of the lifestyle, tired of every day  
17 having to wake up and worry if I was going to have  
18 to get in a fight, have to check somebody for not  
19 doing what they're supposed to do and eventually  
20 they turn on me. I was just tired of it.

21       Q. In February 2017, did he also tell you  
22 that he was targeting you for federal crimes?

23       A. Yes, sir.

24       Q. Did that play into your decision to  
25 cooperate?

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1 A. Yes, it did.

2 Q. In August of 2017, did you debrief with  
3 the FBI?

4 A. Yes, I did.

5 Q. Where was that?

6 A. That was at the FBI headquarters in  
7 Albuquerque.

8 Q. That morning, did you meet with Special  
9 Agent Acee and the prosecutors and talk about this  
10 case?

11 A. Yes, sir.

12 Q. Afterwards, did you meet with David  
13 Calbert?

14 A. Yes, sir, I did.

15 Q. Did you know before that morning you were  
16 going to meet with David Calbert?

17 A. I had no clue.

18 Q. How long did you and Mr. Calbert meet for?

19 A. I'd say briefly. Five minutes, tops.

20 Q. Did you talk about this case?

21 A. Not really at all. There was only one  
22 thing that we talked about, because I was just  
23 honest. I told him, "Look, man. It's over. We  
24 need to let it go."

25 And he was, like, "Man, I'm thinking about

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1 it, but I just wanted to see where you were at."

2 And I told him, "Look, I told them  
3 everything. I told them the truth about everything,  
4 how you gave me paperwork, how you got it from  
5 Jesse."

6 And he's, like, "No, I didn't get it from  
7 Jesse. I got it from Joel Martinez, Cheech."

8 So he corrected me on that. That was the  
9 only thing that we talked about at all. That's it.

10 Q. So Mr. Calbert actually corrected you who  
11 gave him the paperwork?

12 A. Yes, sir.

13 Q. Why did you try to convince Mr. Calbert to  
14 cooperate with the Government?

15 A. Because he's one of my good friends.

16 We've known each other since we were pretty much  
17 kids. We're from the same hometown. So I just told  
18 him "Look, it's over. There's no reason to keep on  
19 going with this."

20 And he agreed.

21 Q. And afterwards, did he agree to cooperate  
22 with the Government?

23 A. Right after that, yes, sir, he did.

24 Q. Now, you pled guilty and entered a plea  
25 agreement and addendum with the United States; is

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1 that right?

2 A. Yes, sir, I did.

3 Q. I'm going to show you what's been  
4 previously identified as Government's Exhibits 742  
5 and 743.

6 MR. BECK: May I approach, Your Honor?

7 THE COURT: You may.

8 BY MR. BECK:

9 Q. Mr. Calbert, do you recognize what I've  
10 just handed you as Government's Exhibits 742 and  
11 743?

12 A. Yes, sir.

13 Q. Is that your plea agreement and addendum?

14 A. Yes, sir, it is.

15 MR. BECK: Your Honor, at this time the  
16 Government moves to admit Exhibits 742 and 743.

17 THE COURT: Any objection?

18 MR. LOWRY: No objection, Your Honor.

19 MR. VILLA: No.

20 MS. JACKS: No.

21 MS. BHALLA: No objection.

22 THE COURT: Not hearing any objection,  
23 Government's Exhibits 742 and 743 will be admitted  
24 into evidence.

25 (Government Exhibit 742 and 743 admitted.)

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1 BY MR. BECK:

2 Q. So were you charged in paragraph 4 with  
3 the racketeering conspiracy?

4 A. Yes, sir, I was.

5 Q. And in paragraph 5, did you face or do you  
6 face a term of imprisonment of up to 20 years?

7 A. Yes, sir.

8 Q. Did you agree with the Government that the  
9 sentence imposed in this federal case should run  
10 concurrent to your state sentences?

11 A. Yes, sir, I did.

12 Q. And how long do you have on your state  
13 sentence?

14 A. It's anywhere from nine to twelve years.

15 Q. Have you heard any other numbers about how  
16 long you have to serve?

17 A. The State told me it was like around 15 to  
18 16 years. So we're still trying to figure out  
19 exactly what it is from good time, if I messed up,  
20 or somewhere. I'm not too sure.

21 Q. We saw that you face a term of  
22 imprisonment for 20 years. Were you -- did you know  
23 that you were being targeted for the murder of  
24 Javier Molina?

25 A. Yes, sir.

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1           Q.    Do you know what that charge would have --  
2 how much prison time you would have been facing if  
3 you were charged with that?

4           A.    A life sentence.

5           Q.    Did you enter this plea agreement after  
6 Mr. Calbert decided to cooperate with the  
7 Government?

8           A.    Yes, sir.

9           Q.    Do you consider facing 20 years instead of  
10 a life sentence a benefit?

11          A.    It's a lot different, so, yes.

12          MR. BECK: Bring up Exhibit 743, please.

13          Q.    Mr. Urquizo, what do you understand this  
14 paragraph to mean about your cooperation?

15          A.    By me being truthful, that it's --  
16 hopefully, after everything is said and done, that  
17 maybe the courts will consider what my plea is and  
18 maybe give me 20 or less than 20 years.

19          Q.    Paragraph 2. Read through that, and what  
20 is required of you for this plea agreement?

21          A.    I have to testify truthfully, to be honest  
22 about everything.

23          Q.    Paragraph 6, please. Now, I think you  
24 talked a little bit about this. What do you  
25 understand this paragraph to mean?

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1       A.    That means once all the courts are done,  
2 that the courts will try to put a 5K to see if they  
3 could maybe lower my time for me being honest and  
4 truthful about everything.

5       Q.    And if you aren't honest and truthful  
6 about everything, what happens?

7       A.    My plea gets thrown out, and I could get  
8 charged with a different charge.

9       Q.    Beside the 20 years, the concurrent State  
10 sentence, have you received any other benefits from  
11 the Government for cooperating?

12      A.    A little benefit. I received a little bit  
13 of money. I think maybe like \$200, \$300, I think.  
14 I got one contact visit with my family. And that's  
15 pretty much it. Maybe a little bit of extra phone  
16 calls.

17      Q.    Since you've been cooperating with the  
18 Government, have you called your family?

19      A.    Yes, a lot.

20      Q.    Have you talked to them about your  
21 sentencing in this case?

22      A.    Yes, sir, to some, yes, I have.

23      Q.    All right. What have you told your mom  
24 about what you're receiving in this case?

25      A.    I told them -- not my mom. My wife.

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1 Q. I'm sorry, your wife.

2 A. That I'm hoping that I can get anywhere  
3 from 10 to 15 years, hopefully that. I mean, I  
4 don't know exactly how much time, but I told her  
5 that because I want her to feel good because of all  
6 this stuff that's going on.

7 THE COURT: Mr. Beck, would this be a good  
8 time for us to take our afternoon break?

9 MR. BECK: Sure, Your Honor.

10 THE COURT: All right. We'll be in recess  
11 for about 15 minutes. All rise.

12 (The jury left the courtroom.)

13 THE COURT: All right. We'll be in recess  
14 for about 15 minutes.

15 (The Court stood in recess.)

16 THE COURT: All right. Let's go on the  
17 record. As she was leaving, one of the jurors,  
18 Ms. May, juror number 13 -- let me make sure that's  
19 the right one -- gave this note. She said, "Judge  
20 Browning, may I please request a list of the exact  
21 charges against each of the defendants? Also a list  
22 of the names of all the attorneys and which  
23 defendant they are representing. Thank you. Laura  
24 Dean May."

25 I guess I had a couple of thoughts. One

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1 is, I could just give them a copy of the preliminary  
2 instruction, if everybody agreed. That's got  
3 everybody's names. It's got a brief description of  
4 the charges. They've already been given that. And  
5 it gives the names of the attorneys.

6 Another is: I can prepare a little chart,  
7 certainly, of the attorneys and the defendants so  
8 that they match who it is. And I'll try to -- I  
9 started this at the beginning of the trial, and then  
10 I kind of phased it out. But every time I ask if  
11 you have cross-examination, I will say "on behalf  
12 of" a defendant so that helps them match the  
13 attorneys with the defendants.

14 Any thoughts from anybody as to how to  
15 address or should we address? Mr. Lowry?

16 MR. LOWRY: Well, Your Honor, I'm fine  
17 with handing out preliminary instructions. What I'm  
18 guessing may be an issue with the jurors is, they're  
19 hearing all this enterprise evidence, and they just  
20 don't understand how it fits into the case. So I'm  
21 thinking that the jurors are thinking there's a lot  
22 more charges out there than the VICAR charges we're  
23 considering.

24 THE COURT: It could be. It could be  
25 they're just having trouble matching attorneys

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1 with --

2 MR. LOWRY: But as long as it's that, we  
3 could get preliminary instructions, like you said.  
4 I'm fine for that. I don't want to get anything  
5 beyond that, however.

6 THE COURT: Does the Government have any  
7 problem with me just passing out the preliminary  
8 jury instruction?

9 MR. CASTELLANO: No, Your Honor, there is  
10 no objection to that. It's already public record.  
11 They've already heard it, and I think it would be  
12 fine.

13 THE COURT: Any defendant have a problem  
14 with that?

15 MS. JACKS: I'm fine with that.

16 THE COURT: Ms. Bhalla, Mr. Maynard?

17 MS. BHALLA: We have no objection.

18 THE COURT: Does that work for you,  
19 Mr. Villa? Ms. Fox-Young?

20 MR. VILLA: I think that works, Judge.

21 THE COURT: Okay. All right. So we'll  
22 make a set of the preliminary instructions and make  
23 18 of them and give those to the jury. I'm not  
24 sure -- I think the caption on the thing may have  
25 every defendant in the case. Do you want me to make

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1 a caption, just the four defendants here?

2 MS. JACKS: I would prefer that.

3 THE COURT: Okay.

4 MR. LOWRY: I would prefer that, Your  
5 Honor.

6 THE COURT: Why don't I just make a  
7 caption with the four current defendants in the  
8 case.

9 MR. BECK: We don't object to that.

10 THE COURT: All right.

11 MR. VILLA: And Your Honor --

12 THE COURT: I'm going to have Ms.  
13 Standridge mark that note as Exhibit -- I think it's  
14 F. If I need to correct it later on, I will.

15 Mr. Villa.

16 MR. VILLA: Just to clean up the record,  
17 the exhibit, the phone call that Ms. Fox-Young  
18 played for David Calbert was Z1, and it was played  
19 but not admitted. Can we admit that?

20 THE COURT: Any objection?

21 MR. BECK: I think since -- I mean, since  
22 it was played for a limited purpose, yes, we object  
23 as it's hearsay. It wasn't offered for the truth of  
24 the matter asserted.

25 THE COURT: Yeah, let's leave it with the

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1 instruction we had. It was impeachment. It was  
2 sort of like you read a statement, say, "Didn't you  
3 say that?" Let's leave it at that.

4 MR. VILLA: Rather than admitting it?

5 THE COURT: Rather than admitting it. All  
6 right. We're going to -- should it be with the  
7 a/k/a's or without the a/k/a's on the caption?

8 MR. VILLA: Without the a/k/a monikers.

9 THE COURT: Without them?

10 MR. BECK: I think the caption of the case  
11 in the indictment has the monikers, and I also think  
12 it's helpful for them to understand the testimony in  
13 court, because oftentimes these gentlemen are  
14 referred to by their monikers by the witnesses.

15 THE COURT: How do the defendants feel?

16 Do you care?

17 MS. FOX-YOUNG: Your Honor, we would ask  
18 that the a/k/a's not be included. I think it's  
19 confusing. I think it's unnecessary. And I think  
20 it's --

21 THE COURT: All right. Well, let me  
22 prepare something, then we'll take a look at it.  
23 We're going to give the jury a preliminary jury  
24 instruction, but we're just going to make the  
25 caption the four defendants here. At the present

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1 time, we'll just take out the monikers, and just  
2 have the four defendants, and I'll take a look at  
3 that.

4 Didn't the preliminary have everybody on  
5 there?

6 THE CLERK: Yes.

7 THE COURT: So let's get that. We may  
8 have to make some change to the caption. I think  
9 there was a second preliminary instruction or  
10 something. Let's take a look at it. All rise.

11 (The jury entered the courtroom.)

12 THE COURT: I'll try to prepare, when we  
13 have a chance, a set of the preliminary instructions  
14 that I gave you at the beginning of the case, and  
15 this will have the names of the attorneys, it will  
16 have the names of the defendants, and it will also  
17 have the charges against the defendants. So I'll  
18 try to prepare that for you and get that to you so  
19 that will help you follow along, if you need that.

20 Mr. Urquiza, I remind you that you're  
21 still under oath.

22 Mr. Beck, if you wish to continue your  
23 direct of Mr. Urquiza, you may do so at this time.

24 BY MR. BECK:

25 Q. Mr. Urquiza, I think before we broke, you

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1 were talking about telling your wife or your  
2 girlfriend about a 15-year sentence in this case.

3 A. Yes, sir. I was just telling her that I  
4 was hoping that I could get anywhere from 10, 15. I  
5 wasn't too sure, you know. The truth is, I could  
6 get 20, but I just didn't want to tell her that,  
7 because we're already going through a lot of things,  
8 so --

9 Q. Well, do you expect to get less than 20?

10 A. Well, I'm hoping. I'm being truthful.  
11 I'm hoping that the Court would give me a chance.  
12 That's what I'm hoping. I mean, it's not promised  
13 to me, but I hope so.

14 Q. My question was: Do you expect to get  
15 less than 20?

16 A. Yeah. Hopefully, yes.

17 Q. What do you have to do to get that?

18 A. Do what I'm doing right now: Be honest.

19 Q. You and I have met a couple of times to  
20 prepare for your testimony; is that right?

21 A. Yes, sir.

22 Q. How many times?

23 A. I think three, about three times, three or  
24 four times.

25 Q. Now, the first time we met, was that a

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1 couple of weeks ago?

2 A. The first time?

3 Q. The first time we met to prepare for your  
4 testimony.

5 A. Oh, yes. About, yeah -- about a couple of  
6 weeks ago.

7 Q. After that, did you get into a  
8 disagreement with corrections?

9 A. Yes, sir, I did.

10 Q. What happened?

11 A. They went and told me that I was leaving  
12 on transport, and I thought it was for court, so I  
13 asked if it was for court. They said, "No, I think  
14 you're going back to Otero County."

15 So I pretty much told them, "Well, I'm not  
16 going. I refuse."

17 I told them that. They were, "Why?"

18 I said, "Because I was just there for  
19 three months, and I was sent to Penitentiary of New  
20 Mexico, and then sent back five days later." So I  
21 told them no, and I want to talk to Captain Sapien  
22 about it.

23 Q. When did this happen?

24 A. This happened on February 1st.

25 Q. Was that last Thursday?

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1 A. Yes, February 1st, 2018.

2 Q. Why did you not want to go back to Otero  
3 County?

4 A. Because I was there for three months, and  
5 I don't like the environment there. It's dirty.  
6 It's a dirty jail. I just didn't like it. And  
7 every time you leave that facility, if you're  
8 leaving not for court but just leaving, even if it's  
9 for one day and you go back, everything that you  
10 bought there, whatever, you can't get it back,  
11 because you've got to start over every time, and it  
12 takes, like, a week for you to buy your own hygiene,  
13 your own clothing. So it's uncomfortable to live  
14 like that for a week or two without nothing. So I  
15 didn't want to go back.

16 Q. Did you tell -- did you feel -- on  
17 Thursday, February 1st, did you feel you'd been  
18 treated unfairly by Corrections?

19 A. Yes, sir, I did.

20 Q. Why?

21 A. Well, because while I was gone for those  
22 three months, I was in Otero County, and when I went  
23 back to the penitentiary, all my stuff was missing.  
24 My TV was missing, all my commissary, my address  
25 book was tore out. A lot of photos of my family

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1 were missing. And then there was a few things that,  
2 when I was there, that I was supposed to get, maybe  
3 a few contact visits, and never got none of it. I  
4 thought I was being treated from everybody else. So  
5 yes, I really did feel like I was being mistreated.

6 Q. Did you eventually, Thursday, agree to get  
7 on that transport and come down to Otero County?

8 A. Yes, I did.

9 Q. In 2012, 2013, where were you  
10 incarcerated?

11 A. Penitentiary of New Mexico North facility.

12 Q. Was the defendant Mr. Baca incarcerated at  
13 the North facility with you?

14 A. Yes, sir, he was.

15 Q. Did you two interact while you were  
16 incarcerated up there?

17 A. Yes, sir, I did.

18 Q. Before we get there, where were you and  
19 where was Mr. Baca?

20 A. Mr. Baca was in 3-B X pod and I was in 3-B  
21 W pod.

22 Q. So does that mean that you were in the  
23 same housing unit, but in different pods within that  
24 one unit?

25 A. Yes. 3-B has four pods. And I was right

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1 next to him.

2 Q. And what was Mr. Baca's position in the  
3 SNM at this time?

4 A. SNM Gang leader.

5 Q. At some point did you engage in a  
6 conversation with Mr. Baca at that North facility?

7 A. Yes, sir. We were outside for rec.

8 Q. Hold on one second. Go ahead and tell me  
9 what you and Mr. Baca discussed while you were  
10 outside at rec.

11 A. We discussed the fact that I was going to  
12 be going to the Level 5 facility and from there to  
13 Southern. So we discussed the fact that there was  
14 paperwork on Javier Molina, and he needed to be hit.  
15 So he needed me to take the word down there since I  
16 was going to be the next person to go to Level 5,  
17 then from Level 5 to Level 4.

18 Q. Level 5. Is that at the South facility?

19 A. Yes, sir, the South facility.

20 Q. And then Southern. Is that Southern New  
21 Mexico Correctional Facility, or SNMCF, here in Las  
22 Cruces?

23 A. Yes, that's the Level 4 facility.

24 Q. Was that the only conversation that you  
25 had with Mr. Baca at the North about Javier Molina

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1 getting hit?

2 A. No, that was actually the third time. The  
3 last time that I had a conversation with him was  
4 with -- he had got moved for 3-A; he was in Q pod.  
5 And I was outside at rec and over there in 3-A Q pod  
6 you could talk to the people that are in the cages.  
7 I was in the first cage, and I told him I was  
8 leaving to the South.

9 Q. What did Mr. Baca say when you told him  
10 you were leaving to the South?

11 A. He told me, "Don't forget that message.  
12 Take care of that."

13 I told him, "I already know. I got you."

14 Q. What do you understand he meant when he  
15 said, "Don't forget that message. You need to take  
16 care of that"?

17 A. He spelled it out on the window for me.  
18 He didn't yell it out, but he said "Javier Molina."

19 Q. How did he spell it out on the window?

20 A. With the sign language. With his hands.  
21 We know how to talk with our hands. We know how to  
22 do letters like this. That's how he did it.

23 Q. Talking with your hands -- is that one of  
24 the ways that the SNM talks in code?

25 A. Yes, sir.

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1 Q. So with his hands he told you it was  
2 Javier Molina?

3 A. Yes, sir.

4 Q. At some point were you moved down to the  
5 South facility at PNM?

6 A. Yeah. That same day that I talked to him,  
7 that's the day I left to the PNM South.

8 Q. And at some point at PNM South, did David  
9 Calbert come down to PNM South, and was he housed  
10 with you?

11 A. Yes, sir. February -- I believe February  
12 of 2014, he showed up to the PNM South.

13 Q. And what happened when he showed up to the  
14 PNM South?

15 A. He had the paperwork for Javier Molina.  
16 So he called me, Robert Martinez, and Mauricio  
17 Varela to his house, and he showed the paper to us  
18 through the window and then he passed it to me.

19 Q. The house? What do you mean by "the  
20 house"?

21 A. Oh, his cell. Yeah, in front of his cell  
22 door.

23 Q. So he was inside of his cell, and who was  
24 on the outside?

25 A. Me, Mauricio Varela, and Robert Martinez.

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1 For the first seven days, it's orientation, so he  
2 can't come out. So we were in front of his door.

3 Q. And what did Mr. Calbert tell you?

4 A. That he had the paperwork for the hit on  
5 Javier Molina, and I told him -- he said, "Pup wants  
6 this done."

7 I said, "Yeah, I already know. I talked  
8 to him."

9 Q. Did he give you the paperwork?

10 A. Yes, sir, he did.

11 Q. What did the paperwork look like?

12 A. It was a white paper, and it had a  
13 person's name on the top side with Social Security  
14 and all that, address, and it was a whole typed  
15 paper. And the wording on there, do you want me to  
16 tell you what it said on there?

17 Q. Hold on. We'll get to that. Was it one  
18 page, two-page?

19 A. It was just the one page.

20 Q. And was it front and back, or just on the  
21 front?

22 A. No, just one. Just the front page.

23 Q. Was it -- what did it look like? Was it  
24 just black and white?

25 A. Black and white. It was a Las Cruces

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1 police report. And I could tell it was a police  
2 report.

3 Q. What did the paperwork say? Why was it  
4 paperwork on Mr. Molina?

5 A. It said that he was in -- that it wasn't  
6 him that did the purse-snatching; that it must have  
7 been one of the other guys. And he named Jesse Sosa  
8 as one of the other guys that did the  
9 purse-snatching; that he was just sitting in the  
10 car. It was pretty much one sentence, maybe two  
11 sentences. That's it.

12 Q. Where did the purse-snatching happen, if  
13 you remember?

14 A. I believe it said by the mall. By the  
15 front of the mall or behind the mall.

16 Q. In what city?

17 A. Right here in Las Cruces.

18 Q. Did you -- what did -- did you and anyone  
19 talk about the paperwork?

20 A. Yeah. While we were there, we discussed  
21 it and we're, like, "Man." I mean, before  
22 everything happened we like laughed at it and said,  
23 "Man, this ain't really telling," because it wasn't  
24 really telling.

25 Q. Who is "we"?

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1           A.    Me, David Calbert, Mauricio Varela, and  
2 Robert Martinez.

3           Q.    And did you still agree to transport the  
4 paperwork from the South facility to Southern New  
5 Mexico?

6           A.    Yes, sir. Yeah.

7           Q.    Why?

8           A.    Because it's a hit. It's an order to hit,  
9 and you can't just get rid of it. You would have a  
10 hit on yourself for that.

11          Q.    Did you willingly take the paperwork from  
12 the South facility to Southern?

13          A.    Yes, sir.

14          Q.    Did you know or think that that would  
15 result in Javier Molina being murdered?

16          A.    Yes, they wanted him murdered. It wasn't  
17 just an assault. They wanted a murder.

18          Q.    What did you do with the paperwork after  
19 Mr. Calbert gave it to you?

20          A.    I put it with the paperwork. I had a lot  
21 of paperwork for my Court of Appeals. It's a whole  
22 stack. So I took half of it out and put it there,  
23 and put all my paperwork back together.

24          Q.    So you put it in your legal paperwork, in  
25 the Court of Appeals paperwork?

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1 A. Yes, sir.

2 Q. How big was the Court of Appeals stack?

3 A. Probably about this much of a big stack.

4 There was probably like 1,000 sheets of paper.

5 There was a lot of Court of Appeals for seven or  
6 eight years, so it's a lot of paperwork.

7 Q. So I've got here two Redwelds full of  
8 pages. Was it thicker or less thick than this?

9 A. Probably a little bit thicker.

10 Q. A little bit thicker than these two  
11 Redwelds full of paper?

12 A. Yes, sir.

13 Q. Why did you stick it in the middle of your  
14 legal paperwork?

15 A. Because corrections officers really --  
16 they can't go through your legal paperwork. Once  
17 you get transferred somewhere, they're supposed to  
18 maybe have, like, a legal library guy that's  
19 supposed to go through your paperwork, more or less,  
20 and look at it and give it to you. So I knew the  
21 chances of that happening -- usually they just put  
22 all your property in the bag and inventory and give  
23 it to you. So I figured that would be the easiest  
24 way to do it.

25 Q. At some point were you transferred from

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1 the PNM South facility to Southern New Mexico?

2 A. Yes, sir, on March 6 of 2014.

3 Q. Was that the day before the Molina murder?

4 A. Yes, sir.

5 Q. Did you take the paperwork with you?

6 A. Yes, sir, I did.

7 Q. What happened when you got to the Southern  
8 New Mexico facility?

9 A. As soon as I got there, I went through the  
10 medical process. All my property stayed in the  
11 front. I couldn't get because it was like 7:00 or  
12 8:00 o'clock in the nighttime. So I had to wait  
13 till the next day to get it. But as I was going  
14 from there to housing unit 1-A -- that's where they  
15 housed all the SNMers -- at the first pod I talked  
16 to Mario Rodriguez and Timothy Martinez. They were  
17 at the window. And the first thing he told me was,  
18 like, "You got that?" Looked at me like, "I got  
19 that."

20 I told him, "Yeah."

21 So he told me to go to the side of the  
22 door. So I walked into yellow pod.

23 MS. JACKS: I object. The question is  
24 asked and answered. This is becoming a narrative.

25 THE COURT: Try to keep it from being a

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1 narrative by breaking it up with questions.

2 BY MR. BECK:

3 Q. Okay. When you walked into the housing  
4 pod at Southern, what did you see in the doorway to  
5 blue pod?

6 A. I seen Timothy Martinez and Mario  
7 Rodriguez.

8 Q. And what happened?

9 A. I walked to the side of the door, and as  
10 the corrections officer was searching my cell, I was  
11 talking to Mario, and he asked me if I had paperwork  
12 on Javier Molina, as well as --

13 Q. Hold on one second. Where were you and  
14 where was Mario when he asked if you had the  
15 paperwork on Javier Molina?

16 A. On his side of the door. There is a door  
17 between blue pod and yellow pod, so it was in the  
18 middle. There is a door right there. We were  
19 talking through the door.

20 Q. Okay. So he was in blue pod on one side  
21 of the door that separates them, and you were in  
22 yellow pod on the other side?

23 A. Yes, sir.

24 Q. Why weren't you in your cell?

25 A. Because a corrections officer was

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1 searching my cell.

2 Q. And were you able to just walk around  
3 freely while he was --

4 A. Yeah. I stood at the door talking to him  
5 for, like, five or ten minutes.

6 Q. And what did you and Mr. Rodriguez discuss  
7 at the door?

8 A. He asked me if I had the paperwork on  
9 Javier Molina. I told him yes. And he kind of  
10 whispered real low if I had Jerry Montoya's  
11 paperwork as well. I told him, "No, that paperwork  
12 didn't make it."

13 So he said, "I wrote you a letter  
14 already," and he slid it under my door, under the  
15 door between blue pod and yellow pod. So I grabbed  
16 it. And I told him that the paperwork was in my  
17 property. I wasn't going to get it until tomorrow.  
18 So he said as soon as I get it, to pass it to them.

19 Q. So he slipped you a note under that door  
20 that separates the two pods while you were talking?

21 A. Yes, sir. Prior to me getting to the pod,  
22 my name was already on the board. I was already in  
23 the front for, like, two hours. So they had already  
24 put my name on the chalk board, who was arriving,  
25 all of that. So they already knew. So they had a

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1 letter waiting for me.

2 Q. Did anyone else -- when you got to the  
3 Southern New Mexico facility and you were put in  
4 yellow pod, did anyone else ask you about the Javier  
5 Molina paperwork that day?

6 A. Yes, sir.

7 Q. Who else?

8 A. Carlos Herrera.

9 Q. And what did they say?

10 A. They asked if I had that paperwork on  
11 Javier Molina. I told him yes, but it was in my  
12 property.

13 Q. Did you discuss anyone else besides Javier  
14 Molina and Mr. Montoya, Jerry Montoya, being hit?

15 A. Yes, sir, Sammy Gonzalez, Gumby.

16 Q. And who is that?

17 A. He's an SNM Gang member, too.

18 Q. And who wanted Gumby to be hit?

19 A. Actually, that was a personal issue that I  
20 had with him for a long time. So I had asked Carlos  
21 Herrera if it was still good to go with that, and he  
22 said yes.

23 Q. After you talked with Mr. Herrera about  
24 the paperwork and about Gumby, did you read the  
25 letter that Mario wrote to you?

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1 A. Yes.

2 Q. And what was in that letter?

3 A. He told me that he was hoping I had the  
4 paperwork because he's ready to get rid of Javier  
5 Molina; nobody liked him. And he was hoping that I  
6 had the paperwork on Jerry Montoya, too, because he  
7 wanted to hit him. And as well, he knows the  
8 personal beef that I had with Sammy Gonzalez, and it  
9 was okay for me to handle that. As soon as we got  
10 the chance, we could take care of all that together.

11 Q. What happened after you read the  
12 paperwork -- or sorry, not the paperwork; the note  
13 from Mr. Rodriguez?

14 A. I wrote him back. I wrote him back and I  
15 told him, "Yes. Like I told you, I have the  
16 paperwork on Javier Molina." The paperwork on Jerry  
17 Montoya was at the North, but we couldn't get it in  
18 time, and definitely want to get Sammy Gonzalez,  
19 too.

20 So he said, "We're going to try to take  
21 care of this as soon as possible."

22 And I asked if we could wait until I come  
23 off of orientation, so I could take care of that,  
24 which was seven days I had to be in orientation.

25 Q. If you were in orientation, how did your

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1 note that you wrote back to Mario Rodriguez -- how  
2 did that get to him?

3 A. I had asked Carlos Herrera to pass it for  
4 me, because I was locked down, but they were still  
5 out in the pod.

6 Q. At some point did you get your property  
7 and the paperwork?

8 A. Yes, sir. The next day, like, around  
9 11:00 in the morning.

10 Q. What happened when you received that  
11 paperwork on Javier Molina?

12 A. Everybody was asking -- not everybody.  
13 Like Carlos Herrera, Alex Munoz, Dale Chavez, in my  
14 pod were asking for it right away. And the guys  
15 next door in blue pod. Mario Rodriguez was already  
16 at the door, hitting the door asking if I got that,  
17 if I got that. I said, "Hold on. I barely even got  
18 my stuff in my cell."

19 So I didn't even unpack my stuff. I went  
20 straight for my legal paperwork.

21 Q. Let me stop you right there. And I think  
22 you've gone over this, but just to make clear. Why  
23 were you in your cell and Mr. Munoz, Mr. Herrera,  
24 and I think you said Dreamer --

25 A. Yeah, Dale Chavez.

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1           Q.    Why are they outside your door and why are  
2 you inside?

3           A.    Because they were Level 4. They come out  
4 all day. I was still on orientation. I have to do  
5 seven days in my cell to make sure everything is  
6 okay, make sure I had no problems with anybody in  
7 the pod, and then they would let me out with  
8 everybody else.

9           Q.    And when they asked for the paperwork and  
10 you were getting your property out, what happened?

11          A.    As soon as I got my property, like I said,  
12 they were asking about it. I didn't even unpack my  
13 stuff. So I went straight for my paperwork, and I  
14 got the paper out. I called Carlos Herrera, Dale  
15 Chavez, and Juanito Mendez to the door, and I showed  
16 them the paperwork. It was underlined with a  
17 pencil, the two lines of what the statement was,  
18 that Javier Molina made. And we kind of all laughed  
19 about it, too, because it wasn't really telling.  
20 And we looked at it, and gave to it Lazy, to Carlos  
21 Herrera.

22          Q.    How did you give to it Mr. Herrera?

23          A.    Under the door.

24          Q.    And what happened when you gave to it  
25 Mr. Herrera?

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1       A.    He looked at it real close himself, and  
2 then passed it to Juanito Mendez, and then Dale  
3 Chavez. All three of them looked at it real good.  
4 And then Blue was knocking at the door. Mario  
5 Rodriguez was knocking, "Hey, what's up with that?  
6 What's up with that?"

7           And they went to the door and they talked  
8 a little bit, and he gave him the paper.

9       Q.    Who gave whom the paper?

10      A.    Carlos Herrera.

11      Q.    Gave who the paper?

12      A.    To Mario Rodriguez.

13      Q.    And Carlos Herrera -- is he in the  
14 courtroom today?

15      A.    Yes, sir.

16      Q.    Where is he?

17      A.    He's right there on the first table right  
18 there.

19           MR. BECK: Let the record reflect that he  
20 pointed to the defendant Mr. Herrera.

21           THE COURT: The record will so reflect.

22      BY MR. BECK:

23      Q.    What happened after Mr. Herrera put the  
24 Javier Molina paperwork under the door?

25      A.    Came back. He just came back to my house,

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1 back to my cell, and told me he gave it to them and  
2 let's see what they're going to do and see if  
3 they're going to do it right now or what.

4 Sure enough, like about 20 minutes later,  
5 Mario Rodriguez wrote me a letter, gave it to Carlos  
6 Herrera, gave it to me, and I read it.

7 Q. What did this letter -- what did this  
8 second letter from Mr. Rodriguez say?

9 A. The letter said, "Yeah, that's good that  
10 you got this paperwork on this fucker. Now we could  
11 take care of him. Obviously, nobody likes him, so  
12 we're going to take care of him. I wish you would  
13 have had the paperwork on Jerry Montoya. But since  
14 you don't, we're going to go ahead and do this  
15 probably after dinner."

16 And he apologized to me about Sammy  
17 Gonzalez, because he knows I have that personal beef  
18 with him, and I really wanted to get ahold of him,  
19 and it wasn't going to happen. So he apologized for  
20 that. He said, "Maybe after this is over, maybe it  
21 could still happen."

22 Q. Later on, at some point, do you take a  
23 shower?

24 A. Yes, sir.

25 Q. What happens then?

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1           A. After -- I was the last one. They said it  
2 was going to happen after dinner, which -- after the  
3 showers, because we were locked down. So there was  
4 two people that took a shower before me that came on  
5 transport with me. Then after I took a shower, I  
6 yelled out to Carlos Herrera and Alex Munoz and told  
7 them I was done. So they hit the wall and I guess  
8 told Timothy Martinez to tell Mario that we were  
9 done with the showers.

10          Q. Then what happened?

11          A. Right after that, five minutes after that,  
12 once they lifted lockdown for them, they all came  
13 out and five minutes after the doors were opened,  
14 that's when it happened.

15          Q. What happened?

16          A. The stabbing of Javier Molina.

17          Q. Why do you think that's when it happened?

18          A. Oh, I know it did. You could hear the  
19 yelling. I could hear, "Get him, get him."

20          Q. And going back for a second, when you got  
21 that second letter from Mr. Rodriguez, did Mr.  
22 Herrera hand you any other paperwork at that time?

23          A. Yes, sir. He handed me back the  
24 paperwork.

25          Q. What paperwork?

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1 A. The paper that -- of Javier Molina.

2 Q. After you heard, "Get him, get him," what  
3 happened?

4 A. After a few minutes, all the COs started  
5 running into blue pod. And I lived in South 10, so  
6 you could look directly outside the window and see.  
7 The door was actually open. There was a lot of  
8 commotion. So the first door opened was yellow pod.  
9 And all the COs ran in there, and I seen when they  
10 pulled him out and they were trying to revive him  
11 right there in front of our doors, in front of  
12 yellow pod and blue pod.

13 Q. So do I understand that the door from what  
14 I'm going to call the foyer -- that door that enters  
15 into yellow pod swung open?

16 A. No, not the middle door. The front door  
17 that you come into the pod.

18 Q. Okay. The front door where the COs would  
19 enter the pod and see all the cells?

20 A. Yes. They were yelling into yellow pod  
21 for everybody to lockdown, but there was so much  
22 commotion going on, everybody was listening to what  
23 was going on, going back and forth. Everybody knew  
24 we were going to lockdown so everybody was doing  
25 their thing to hurry up. And in all of that

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1 commotion, the door in the front opened and the COs  
2 were yelling to go into lockdown.

3 Q. Afterwards, did Mr. Herrera come over and  
4 say anything to you?

5 A. Yeah, he told me that it happened, that it  
6 went down.

7 Q. What did you do with the Javier Molina  
8 paperwork?

9 A. Later on that night, me and Carlos  
10 Herrera -- we were talking. He lived above me. So  
11 we're, like, we found out that he had died, so,  
12 like, "You better get rid of that." So I got it and  
13 I tore it to little pieces and flushed it.

14 Q. You flushed the Javier Molina paperwork?

15 A. Yes, sir.

16 Q. Were people moved out after the Molina  
17 murder?

18 A. Yes, sir. Everybody in blue pod, the  
19 whole pod was moved out. In my pod they moved  
20 Mauricio Varela and Sammy Gonzalez out.

21 Q. At some point did you -- at some point  
22 afterwards did you put a hit out on Mr. Daniel  
23 Sanchez?

24 A. Well, it wasn't necessarily that I did.  
25 Me and Mario Rodriguez, we spoke about it, and Mario

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1 Rodriguez was saying that all this wouldn't have  
2 happened if Dan Dan Sanchez would have did his job.  
3 And his job was to cover the camera, and he didn't  
4 do his job.

5 Q. So what did you and Mr. Rodriguez  
6 conclude, or what resolve did you come to in that  
7 conversation?

8 A. That he should get hit.

9 Q. And why? Why should he get hit?

10 A. Because that's the Number 1 rule that SNM  
11 has, that you never leave a brother down, especially  
12 on a mission like that. You always have to be  
13 there, especially if you assign or you agree to do  
14 something, then you have to carry it out, and he  
15 failed to do that.

16 Q. Did anyone else agree with you and Mr.  
17 Rodriguez about that?

18 A. Yes. Afterwards we spoke to Roy Martinez,  
19 Robert Martinez, Daniel Archuleta, David Calbert,  
20 and we all agreed that that should happen, because  
21 he's supposed to be an SNM Gang leader, and he's  
22 supposed to set an example. And that day he didn't  
23 set an example. He let his brothers down.

24 Q. Who was the leader of blue pod for SNM on  
25 March 7 of 2014?

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1 A. Daniel Sanchez.

2 Q. And is Mr. Sanchez in the courtroom?

3 A. Yes, sir.

4 Q. Where is he?

5 A. Right there.

6 MR. BECK: Let the record reflect he  
7 pointed to Mr. Sanchez.

8 THE COURT: The record will so reflect.

9 BY MR. BECK:

10 Q. Do you not like Mr. Sanchez?

11 A. No, I like him. I mean, he's been through  
12 all this stuff. I mean, I still think he's all  
13 right.

14 Q. Why did you put a hit out on him?

15 A. Because, like I said earlier, he let the  
16 brothers down. That's what they preached to us  
17 younger guys that the Number 1 rule -- actually,  
18 when I first came into SNM, he's one of the guys  
19 that I first spoke to about coming into SNM, too.  
20 And he told me that's one thing that you do is, you  
21 never let a brother down.

22 Q. I want to go a little bit back here to  
23 Thursday when you had the problems with the  
24 corrections officers.

25 A. Okay.

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1 Q. What happened in the van when you passed  
2 Las Cruces heading towards Otero County?

3 A. Okay. Well, I was told that between --

4 MR. LOWRY: I'm going to object, Your  
5 Honor, to the relevance of this.

6 THE COURT: Well, I'll let him go back  
7 into it, but do we need to get into what he was told  
8 and these sort of things? Are you trying to solicit  
9 these comments?

10 MR. BECK: I'm not trying to solicit those  
11 comments.

12 THE COURT: Why don't you lead him through  
13 this? That will give the defendants an opportunity  
14 to see if they want to object to these questions.

15 MR. BECK: Sure.

16 BY MR. BECK:

17 Q. When you were heading past Las Cruces in  
18 the transport van on Thursday, did you again argue  
19 with the corrections officers?

20 A. Yes, I had a little meltdown.

21 Q. Hold on one second. These are just going  
22 to be yes-or-no questions, Mr. Urquiza. And at that  
23 point did you lose your temper?

24 A. Yes.

25 Q. Did you lose your temper because you were

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1 headed towards Otero County again?

2 A. Yes.

3 Q. Did you tell the corrections officers that  
4 you were going to -- something to the effect of you  
5 were going to turn this case upside down and not  
6 cooperate?

7 A. Yes, I did.

8 Q. Did you tell them that you were going to  
9 give Dan Dan Sanchez and Pup Baca squina, or love?

10 A. Yes, I did.

11 Q. And what did you mean by that?

12 A. I meant that I was -- I said that I was  
13 going to say, "Oh, well, I don't know what you're  
14 talking about." If you were going to ask me, well,  
15 something about Dan Dan and Pup. I was going to  
16 say, "I don't know what you're talking about."

17 Q. Why would that be giving them love, or  
18 squina?

19 A. Because then everything that I was being  
20 truthful about, I wasn't going to, say, be truthful  
21 about it. So that was going to help them out.

22 Q. Is what you told us today the truth?

23 A. Yes, sir, very true.

24 Q. Sometime after the Molina murder, were you  
25 in a transport van with Mr. Perez to PNM?

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1 A. Yes, sir.

2 Q. And where is Mr. Perez?

3 A. Right there in the front.

4 MR. BECK: Let the record reflect --

5 MR. VILLA: We'll stipulate, Judge.

6 THE COURT: Does that work for you, Mr.

7 Beck?

8 MR. BECK: That's fine, Your Honor.

9 BY MR. BECK:

10 Q. And did you and Mr. Perez discuss what had  
11 happened during the Molina murder?

12 A. Yes, sir.

13 Q. And what did Mr. Perez tell you?

14 A. He said that --

15 MS. JACKS: Your Honor, we ask for a  
16 limiting instruction.

17 THE COURT: All right. He's going to  
18 testify about some statements that Mr. Perez made,  
19 or at least a statement, and these can only be used  
20 in your deliberations as to the charges against Mr.  
21 Perez, not as to the other defendants.

22 BY MR. BECK:

23 Q. When you were in the transport van with  
24 Mr. Perez after the Molina murder, what did Mr.  
25 Perez tell you?

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1       A.    He told me that he was part of that, that  
2 he's the one that gave a shank from the walker to  
3 Daniel Sanchez and Mario Rodriguez for that murder.

4       Q.    And what did you understand him to mean?

5       A.    That he helped out, he gave them -- he was  
6 bragging about it.

7       Q.    How was he bragging about it?

8       A.    By saying, "Oh, I know why they're taking  
9 me to the North, because I was part of that murder."

10       I was like, "What?"

11       He was, "Yeah, I was part of that murder.  
12 I'm the one that gave the walker so they can make  
13 the shanks, so" --

14       Q.    Have you ever heard of putting in work for  
15 the S?

16       A.    Yes.

17       Q.    Did you understand Mr. Perez to mean that  
18 he was putting in work for the S by giving them his  
19 walker?

20       A.    Yes.

21       Q.    Mr. Urquiza, I'm going to take us from the  
22 Molina murder to the assault of Julian Romero which  
23 is Count 3 in this case. When did that happen?

24       A.    That happened on July 2015.

25       Q.    So this was a little more than a year

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1 after the Molina murder?

2 A. Yes.

3 Q. Were you involved in the Julian Romero  
4 assault?

5 A. Yes, sir.

6 Q. How were you involved?

7 A. Me and another SNM Gang member, Jonathan  
8 Gomez, got the order from Anthony Baca to put -- to  
9 assault Julian Romero.

10 Q. Okay. What was your position at the time?  
11 Well, let me get there eventually. Where were you  
12 at this time?

13 A. I was in Southern.

14 Q. Here in Las Cruces?

15 A. Yes.

16 Q. And were you housed in an SNM pod?

17 A. Yes.

18 Q. And what was your position in that SNM  
19 pod?

20 A. Me and Jonathan Gomez had, I guess you'd  
21 say, the key. They call it the key, llaves, like  
22 you run the pod.

23 Q. Is that why -- well, and as the key-holder  
24 in that pod, when you got the word from Mr. Baca  
25 about the Julian Romero assault, what did you and

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1 Mr. Gomez do?

2 A. We discussed it, and we would have three  
3 other SNM Gang members assault Julian Romero. And  
4 we had spoke to two SNM Gang members in advance, but  
5 they -- they were saying, "Oh, well, we already put  
6 in work," and they really didn't want to do it. So  
7 we didn't want to tell the other individual, Conrad  
8 Vallejos (sic), we didn't want to tell him just  
9 yet, because we didn't know how he would react. So  
10 we waited to the last minute, and on the day that  
11 they finally opened the doors, Jonathan Gomez went  
12 up to Conrad and told him it was time, that he had  
13 to assault Julian Romero, which he did.

14 Q. I think you said "Vallejos." Did you mean  
15 Conrad Villegas?

16 A. Villegas, yes.

17 Q. Now, after the assault of Julian Romero,  
18 if Pup called the hit, why did you call Gerald  
19 Archuleta?

20 A. Because I was -- from there I was tooken  
21 to the North. So -- and then Mr. Anthony Baca was  
22 in Arizona. He was out of state. Styx was --  
23 Gerald Archuleta was out in Tennessee. So I called  
24 him. And the only way to get ahold of Anthony Baca  
25 was through Jonathan Gomez. So he called his wife,

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1 and his wife called Anthony Baca's wife, and that's  
2 how he found out about the hit, that it was done.

3 Q. What did you tell Mr. Archuleta when you  
4 called him about the Julian Romero hit?

5 A. I told him that it was finally done, that  
6 he got what he had coming. He's, like, "What?  
7 Killed him?"

8 "No, we just beat him up."

9 He's, like, "That's it?"

10 Q. And why did you just beat up Mr. Romero?

11 A. Well, he was actually supposed to -- the  
12 thing was that Anthony Baca had ordered for him to  
13 get killed. He was supposed to get killed. But  
14 Jonathan Gomez -- he's, like, "Maybe we shouldn't do  
15 that. We should just beat him up."

16 Because we had been locked down for a year  
17 and a half since the murder happened with Javier  
18 Molina. So we were locked down that whole time.  
19 And he gets visits and all that. So he didn't  
20 really want to do that. He said, "We should just  
21 assault him."

22 Plus, there was only one person. The  
23 other two guys didn't want to really do it. That's  
24 why he was assaulted. But he was supposed to get  
25 killed. That's what Anthony Baca had ordered.

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1 Q. And again, Mr. Baca, to be fair, he didn't  
2 tell you this personally. He told Jonathan Gomez;  
3 is that right?

4 A. Yes.

5 Q. And Mr. Gomez told you?

6 A. Yes, sir.

7 MR. BECK: May I have a moment, Your  
8 Honor?

9 THE COURT: You may.

10 BY MR. BECK:

11 Q. Mr. Urquiza, on the day of the Javier  
12 Molina murder and the day before the Javier Molina  
13 murder, what was Mr. Herrera's position in the pod?

14 A. He was the leader. He was SNM leader for  
15 that pod, yellow pod.

16 MR. BECK: Pass the witness, Your Honor.

17 THE COURT: Thank you, Mr. Beck.

18 Mr. Lowry, do you wish to go first on  
19 behalf of Mr. Baca?

20 MR. LOWRY: I do, Your Honor.

21 THE COURT: Mr. Lowry.

22 MR. LOWRY: Good afternoon, Your Honor.

23 May it please the Court?

24 THE COURT: Mr. Lowry.

25

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## CROSS-EXAMINATION

BY MR. LOWRY:

Q. Good afternoon, Mr. Urquiza.

A. Good afternoon.

5 Q. Mr. Urquiza, I want to start where you  
6 left off talking about the Julian Romero murder.

A. Yes, sir.

8 Q. How many times did you debrief with the  
9 United States?

10 A. Just twice. Yeah, twice.

11 Q. At least twice? Now, on each one of those  
12 occasions, you informed the United States that  
13 Gerald Archuleta ordered Julian Romero to be killed.

14 A. No, that was an order already for like ten  
15 years, but it came from Pup, Anthony Baca.

16 Q. So Julian Romero was supposed to get  
17 killed for sleeping with Gerald Archuleta's wife?

18 A. Yes, sir.

19 Q. And Gerald Archuleta wanted Julian Romero  
20 killed just for that reason, didn't he?

21           A.     You'd be surprised what SNM will kill for,  
22 man.

23 Q. But that's why Mr. Archuleta wanted him  
24 killed?

25 A. Yes, sir.

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1 Q. And that's why you called Mr. Archuleta  
2 after Julian Romero was attacked, so could you bask  
3 in the glory of having done something for Mr.  
4 Archuleta? Gerald?

5 A. Not necessarily, no.

6 Q. Not necessarily?

7 A. That was done for -- that order was done  
8 for like ten years ago, but Mr. Anthony Baca is the  
9 one that ordered that later on to still happen.

10 Q. But do you recall talking to the case  
11 agent, Bryan Acee, and telling Bryan Acee that if  
12 Mr. Baca did anything, he stopped Mr. Romero from  
13 getting killed?

14 A. No.

15 Q. You don't remember that?

16 A. No.

17 MR. LOWRY: May I approach, Your Honor?

18 THE COURT: You may.

19 A. I don't remember telling him. I didn't  
20 write that, so I couldn't tell you.

21 BY MR. LOWRY:

22 Q. So on March 6, 2017, you met with the  
23 folks at this table; correct?

24 A. Yes, sir.

25 Q. And you met with this gentleman here at

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1 the end of the table, Special Agent Bryan Acee?

2 A. Yes, I did.

3 Q. And you met with -- I believe it was the  
4 whole prosecution team: Maria Armijo, Randy  
5 Castellano -- I don't believe Mr. Beck was there.

6 A. I think he was for that one.

7 Q. You think he was?

8 A. I'm not too sure.

9 Q. But Nancy Stemo was there?

10 A. Yes.

11 Q. And Task Force Agent Chris Cupit; correct?

12 A. Yes.

13 Q. And Mr. Acee drafts a report of everything  
14 you said at that meeting, and the report says  
15 Anthony Baca sent word down that Romero should be  
16 beat up, but not stabbed or killed. You don't  
17 recall saying that at all?

18 A. No. I think I might have said it on  
19 accident. It was supposed to be Jonathan Gomez that  
20 said not to do all that.

21 Q. Okay. Now, you recall you were here to  
22 testify truthfully; correct?

23 A. That's exactly what I'm doing.

24 Q. You're not just to testify to favor the  
25 United States?

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1 A. No, sir, I'm not.

2 Q. Okay. And so your testimony today is:

3 Mr. Acee can't write a report correctly?

4 A. No, that's not what I'm saying.

5 Q. What are you saying?

6 A. I'm saying that I might have accidentally  
7 told him. There was so many things going on, but I  
8 know what was said. It was Jonathan Gomez that said  
9 we should just beat him up.

10 Q. Okay. So Mr. Baca didn't stop Mr. Romero  
11 from getting killed?

12 A. No, it was Jonathan Gomez.

13 Q. I want to stop and -- you started your  
14 testimony with a long litany of crimes you had  
15 committed, and you talked about a gentleman named  
16 Leroy Torrez.

17 A. Yes, sir.

18 Q. And it sounded to me like most of those  
19 crimes you committed were on behalf or in  
20 association with Leroy Torrez.

21 A. At the beginning of my time, he was the  
22 one that was running where I was at, so yes.

23 Q. And did you run with Leroy Torrez, then?

24 A. Yes.

25 Q. So you were part of his -- what is it

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1 called -- the ranfla, his car?

2 A. No, this is back in 1998. We were all  
3 before -- Leroy Torrez ended up getting stabbed  
4 after that happened. After he got stabbed, I no  
5 longer talked to him.

6 Q. Okay. So you weren't part of the All  
7 Stars that Leroy Torrez founded?

8 A. No.

9 Q. No?

10 A. There was no such thing as All Stars to  
11 begin with.

12 Q. There's no such thing?

13 A. No.

14 Q. Okay. So you've never heard of the All  
15 Stars?

16 A. No. He tried to start it after he got  
17 stabbed. He tried to start it. It lasted like a  
18 year or so and died out right away.

19 Q. So there is such a thing as All Stars?

20 A. At one time, for about a year or so.

21 Q. And Leroy Torrez started that because he  
22 wanted to break away from the SNM, or start a  
23 subgroup?

24 A. Well, he got stabbed by SNM, so I'm pretty  
25 sure that's why.

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1 Q. That's why they called them the Rejects.

2 A. I guess so. I don't know.

3 Q. There's a whole bunch of folks that were  
4 part of the Rejects.

5 A. Maybe. I really don't know.

6 Q. And part of the Rejects' philosophy was  
7 out with the old and in with the new; correct?

8 A. I guess. I don't really know. I didn't  
9 associate with him after that.

10 Q. They wanted to kill the Old Timers; right?

11 A. Ah, I don't know about that.

12 Q. You don't know about that?

13 A. No.

14 Q. You don't remember telling Mr. Acee on  
15 March 6, 2017, that that's why the young guys wanted  
16 Julian Romero killed, because he was an old guy and  
17 they wanted to get rid of the old guys?

18 A. But that's different than what you're  
19 telling me. You were trying to go somewhere about  
20 All Stars and all that. I seen the direction you  
21 were trying to go, and if you're talking about that,  
22 yes, eventually all those that are my age were  
23 trying to move up a little bit. Yes, we were trying  
24 to move up. But you were trying to take me a  
25 different direction, talking about All Stars and all

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1 that. So you were trying to confuse me there.

2 Q. No, I'm asking a simple question. The  
3 young guys wanted to kill the old guys so they could  
4 take over.

5 A. Not necessarily kill them. More or less  
6 just step up, because the job they were doing was  
7 not really good. They were all about drugs. They  
8 were all about themselves.

9 Q. So the best way to get rid of them and  
10 step up was to kill them so there would be a  
11 vacancy; correct?

12 A. Not necessarily. I mean, there are other  
13 ways.

14 Q. What other way?

15 A. Eventually, they would walk away, like a  
16 few people have walked away. They have a program  
17 where you renounce and walk away.

18 Q. Or could you kite them out to Level 6;  
19 right?

20 A. Yeah, a lot of people have done that,  
21 yeah.

22 Q. You can get rid of them, float a kite to  
23 STIU, and have those people pulled off the pod so  
24 other younger folks can take over the leadership  
25 roles.

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1           A. Yeah, that's another way, too, yes.

2           Q. And the reason younger folks were  
3 disappointed with Mr. Baca is, he wasn't violent  
4 enough?

5           A. No, it's just that he had politics that he  
6 came with. It was out of state and he came with  
7 some new agenda that was related to Surenos, and we  
8 weren't Surenos. That's why.

9           Q. I want to step back again, and let's talk  
10 about the first time the FBI came to visit you.

11          A. Yeah.

12          Q. You were in Level 5?

13          A. Right.

14          Q. Right. And I believe you testified it was  
15 February 27, but they actually came to visit you on  
16 February 24, didn't they?

17          A. Okay. I'm off by three days, yeah.  
18 February 24.

19          Q. And when they came to visit you, you asked  
20 for an attorney, didn't you?

21          A. At the beginning, yes, I did.

22          Q. But they ignored you and wanted to talk  
23 anyway, didn't they?

24          A. We talked a little bit. Not nothing  
25 really serious. It was just telling me, "You know

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1 we could charge you." That's pretty much it. They  
2 didn't really get into details about it.

3 Q. Is the death penalty serious to you?

4 A. He didn't talk about the death penalty.

5 Q. He didn't talk about the death penalty?

6 A. No. He said he could charge me for the  
7 Javier Molina murder. That was okay.

8 Q. Did he talk about spending the rest of  
9 your life in prison?

10 A. It was a possibility, yes.

11 Q. He did, didn't he?

12 A. I think so. I'm not too sure. I think he  
13 said he could charge me with 20 years or 30 years.  
14 I wasn't too sure.

15 Q. Did he talk about serving 20 years in  
16 prison in addition to your State sentence?

17 A. Probably, yeah.

18 Q. And he said if you didn't think about what  
19 you wanted to do, you could either consider working  
20 with the United States or serving a 20-year  
21 sentence, a life sentence, or even the possibility  
22 of the death penalty.

23 A. He didn't get into all those details and  
24 stuff, but he just asked me to think. He actually  
25 asked me to think about it. He gave me time to

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1 think about it.

2 Q. That was after he ignored your request for  
3 an attorney.

4 A. Well, when I first walked in, he told me  
5 he was an FBI agent. That's the first words that  
6 came out of my mouth, I asked for a attorney. He  
7 said, "Just hear me out for a few minutes."

8 That's what I did. But it wasn't an  
9 aggressive approach to me, so I listened to him.

10 Q. All right. Do you recall -- okay, I would  
11 think that with somebody that's been incarcerated  
12 for as long as you have been, one of the most  
13 important things in your life is having family  
14 support you while you're incarcerated.

15 A. Right.

16 Q. And they're there for you through thick  
17 and thin; right?

18 A. Yes.

19 Q. All the time?

20 A. Yes.

21 Q. They support you financially?

22 A. Yes.

23 Q. Emotionally?

24 A. Yeah.

25 Q. They keep your head together after those

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1 long hours of being stuck in isolation in Level 6 by  
2 yourself?

3 A. Right.

4 Q. When you're on the phone?

5 A. Yes.

6 Q. And they're there for you so you can be  
7 true to them and honest with them; right?

8 A. Right.

9 Q. And that's how you are with your wife?

10 A. Right.

11 Q. You're honest with her?

12 A. Yeah, I'm honest with her about -- there  
13 are certain things that I might not tell her exact  
14 because I don't want to hurt her, but...

15 Q. What about your sister? You are honest  
16 with her, too, aren't you?

17 A. Yeah.

18 Q. And your brother?

19 A. Right.

20 Q. Okay. Do you remember talking to your  
21 sister the day after you were visited by Special  
22 Agent Acee at PNM Level 5 in Santa Fe and telling  
23 your sister that the FBI came to visit you and they  
24 said, "You can work with us or you can face 20 years  
25 in prison, you can have life in prison, or maybe

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1 even get the death penalty?" Do you remember that  
2 conversation?

3 A. I'm not going to lie and all that. I told  
4 her, like, 20 years, 30 years. I do remember that.

5 MR. LOWRY: Your Honor, may we approach  
6 real quickly?

7 THE COURT: You may.

8 (The following proceedings were held at  
9 the bench.)

10 MR. LOWRY: Your Honor, I've listened to  
11 some of the jail calls we've been talking about for  
12 the last month, and this is to impeach Mr. Urquiza,  
13 who has had conversations now, and frankly I've  
14 clipped them. What we've done is started with the  
15 introduction part of the jailhouse call just so the  
16 jury can understand what it is, and it's clipped to  
17 the relevant portion of the conversation.

18 THE COURT: Are we going to handle it  
19 differently than before?

20 MR. BECK: I think there's two things.  
21 First of all, I think if we're refreshing his  
22 recollection, it should be done outside the presence  
23 of the jury, just as when we hand someone a report  
24 and they read it. The jury does not get to hear or  
25 see what they're reading, because we're refreshing

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1 their recollection.

2                   Second of all, he hasn't testified -- he  
3 hasn't testified in a way in which this would be  
4 impeachment material. He asked, "If you recall."  
5 He said, "I don't recall all of that."

6                   So he didn't -- it's not contradicting  
7 what he said. So it's improper impeachment. It  
8 also uses extrinsic evidence under 608(b) if we do  
9 get to impeachment.

10                  THE COURT: Let's do this. Go back to the  
11 podium and ask the question properly in the sense  
12 that "Didn't you say."

13                  MR. LOWRY: Your Honor, I would just --  
14 it's more than just impeachment. This goes to show  
15 his bias towards the Government. He's motivated to  
16 testify on their behalf and he's motivated --

17                  THE COURT: I think it's impeachment.  
18 Whether it's going to his bias is something else.  
19 I'll let you do what I let Mr. Villa do with Mr.  
20 Calbert. So I'll let you do it that way. Ask the  
21 question. Because if it is just refreshment, then I  
22 probably do let you play it out. And if it's going  
23 to be he's not going to admit to saying these  
24 things, then I'll let you play it as impeachment.

25                  MR. LOWRY: All right.

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1 (The following proceedings were held in  
2 open court.)

3 BY MR. LOWRY:

4 Q. Mr. Urquizo, are you denying that you  
5 talked to your sister about the FBI saying they  
6 would impose the death penalty?

7       A.     I don't know if I did or didn't.   I mean,  
8 I made so many phone calls since then.   But I mean,  
9 even if I did -- I mean, I'm not too sure if I did.

10 Q. Okay.

11           A.     I can't say 100 percent if I did or I  
12 didn't.

13 | MR. LOWRY: Your Honor, can we move --

14 THE COURT: Well, let me talk to counsel.  
15 So we'll take a short break here. All rise.

16 | (The jury left the courtroom.)

17 MR. LOWRY: Your Honor, can we ask to have  
18 the witness removed for this conversation?

19 | THE COURT: Aren't you going to refresh --

MR. LOWRY: Sure. We can do that.

23 BY MR TOWBRY:

24 Q. Okay, Mr. Urquizo. I'm going to play you  
25 an audio clip, and it's just a portion of the

1 telephone call that you had with your sister. I  
2 think it started off with a woman named Maria, but  
3 it was a three-way call, and you talked to both of  
4 them about your conversation with the FBI the day  
5 before, on February 24, 2017.

6 This is an audio clip from the discovery,  
7 and we can give you -- it's Exhibit Z-2 for  
8 identification purposes, and it is a clip that was  
9 referred to in discovery by this huge alphanumeric  
10 pattern. It was

11 10.98.0.21-7636A744A62001512BD527695F2855D.

12 (Phone call played.)

13 MR. BECK: Judge, Your Honor.

14 THE COURT: Yes.

15 MR. BECK: Hearing that -- I guess I  
16 wasn't sure if it was a call that -- Mr. Urquizo's  
17 pin number had been stolen in some portions of time.  
18 The United States doesn't oppose that as an exhibit,  
19 entering it into evidence, and playing it in front  
20 of the jury. That's fine.

21 THE COURT: All right. Let's bring the  
22 jury back in, then.

23 MR. BECK: Sorry. Not entering it into  
24 evidence; just for impeachment purposes. But the  
25 United States does not oppose playing it in front of

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1 the jury with a limiting instruction, with the  
2 limiting.

3 THE COURT: The limiting instruction being  
4 it's just used for impeachment?

5 MR. BECK: That's right, Your Honor.

6 THE COURT: Well, you'll have to set up  
7 either the impeachment or that his memory has been  
8 refreshed, one or the other.

9 MS. JACKS: Excuse me. That seemed to be  
10 relevant on the issue of nonhearsay purposes, state  
11 of mind.

12 MR. LOWRY: And Your Honor, I think it  
13 really does go to his bias to testify favorably for  
14 the Government and the pressure that was put on him.

15 THE COURT: Well, get him either to admit  
16 it, or impeach him with it. If it comes in for -- I  
17 guess I don't understand how his state of mind is  
18 important at the time.

19 MR. VILLA: Motive.

20 MS. JACKS: Somebody that thinks they'd be  
21 facing those types of punishments could have certain  
22 motives to say certain things.

23 MR. LOWRY: Your Honor, he's just saying  
24 on the phone he's just getting ready to get released  
25 from prison and now they're coming at him with the

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1 death penalty, life in prison, or 20 years, or  
2 cooperating. It goes directly to his bias to please  
3 the United States with favorable testimony.

4 THE COURT: Let's see what you do with it.

5 All rise.

6 (The jury entered the courtroom.)

7 THE COURT: All right. Everyone be  
8 seated.

9 All right, Mr. Urquiza. I'll remind you  
10 you're still under oath.

11 Mr. Lowry.

12 A. All right.

13 BY MR. LOWRY:

14 Q. Mr. Urquiza, if we listened to the  
15 recording, would it help refresh your recollection  
16 as to what you talked to your family about?

17 A. Yes.

18 MR. LOWRY: Can we play Z2?

19 (Tape played).

20 Q. So the FBI came and talked to you about  
21 the death penalty, and that completely changed your  
22 life.

23 A. No, actually, I'm still -- I'm sticking to  
24 the truth, and the truth is: He never told me  
25 nothing about the death penalty. I made that

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1 assumption once I knew what was going on. I seen  
2 the news and all that. Everybody else getting  
3 charged for the murder was getting the death  
4 penalty. At that time they still had the death  
5 penalty. They ended up taking it off.

6 But he didn't tell me that I was facing  
7 the death penalty. I know he's told me 20 years.  
8 I'm almost positive he told me, "You can get 20  
9 years, or even up to life for the murder of Javier  
10 Molina."

11 The death penalty wasn't -- he never told  
12 that to me, so I'm not going to sit here and tell  
13 you that he told me that, because he didn't tell me  
14 that.

15 Q. So you lied to your sister and you lied to  
16 Maria about --

17 A. No, I didn't lie to them. I just told you  
18 I made an assumption that I was thinking that right  
19 away, because I seen that on the news. I seen that  
20 with everybody else. That's why.

21 Q. You followed this case on the news? Did  
22 you realize that the death penalty was taken off --

23 A. Actually, it wasn't taken off at that  
24 time.

25 Q. That was February --

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1       A.    A little after that it was taken off.  In  
2 February it was still on.

3       Q.    It was taken off on June 9, 2016.

4       A.    Okay.  When did this happen?

5       Q.    February 25.

6            MR. BECK:  Objection, Your Honor.  Counsel  
7 is misstating the evidence.

8            THE COURT:  Well, I'll let you clean it up  
9 on redirect.  Overruled.

10       A.    As far as I was concerned, the death  
11 penalty was still there.  So that's why I said it,  
12 but they never told me that.  So I'm not going to  
13 sit here and tell you that he did tell me that,  
14 because he didn't tell me that.

15 BY MR. LOWRY:

16       Q.    But they left you with the serious  
17 impression that you were in deep trouble.

18       A.    Yes, but I knew that.  I actually knew I  
19 was in deep trouble.  Just a matter of time when  
20 they were going to come talk to me.  I already knew  
21 that.

22       Q.    That's because you were a shot-caller?

23       A.    Not necessarily.  Because I know what I  
24 did.

25       Q.    They didn't call you a shot-caller at that

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1 meeting?

2 A. Well, at that time, afterwards, after  
3 everything happened. But I mean, I knew what I did  
4 when I went to Cruces. I knew what message I took  
5 down there. I knew everything. I knew I was part  
6 of the whole Javier Molina case. It's just that  
7 they hadn't come and talked to me yet.

8 Q. You knew you were involved in a lot of  
9 other homicides.

10 A. If we're talking about Javier Molina, I  
11 knew about that.

12 Q. Did they talk to you about the recordings  
13 they had made of you with Styx?

14 A. No. I don't remember.

15 Q. Did they play recordings for you at that  
16 first meeting?

17 A. No.

18 Q. They just said, "You're in deep trouble.  
19 You play with us or you're going to get a RICO  
20 charge"?

21 A. No, they just told me to think about it,  
22 because they could charge me. And he was going to  
23 give me some time to think about it, and I told him,  
24 "Let me think about it."

25 And I actually called my wife and I told

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1 her, and she's, like, "You've been thinking about  
2 doing this already for a while, so you might as well  
3 do it now that you have a chance."

4                   A few months prior to all this, I was  
5 thinking about getting out. I just didn't know how  
6 to do it because I didn't want to go to the rec  
7 program that they have. So whenever they came and  
8 talked to me, it was actually a good opportunity for  
9 me to get out.

10                  Q. Why didn't you just go talk to them? What  
11 were you waiting for?

12                  A. Because I just -- at that time, I was kind  
13 of, like, I guess, the key guy there in that pod so  
14 I didn't want to make it look bad. I just didn't  
15 know how to go about it. So when they came to me,  
16 it was a lot easier than me going to them.

17                  Q. Because you were the shot-caller for that  
18 pod?

19                  A. At that time, yes.

20                  Q. So they gave you a couple of weeks to  
21 think about it?

22                  A. No, I thought about it right away. I  
23 thought about it within an hour of talking to them.  
24 I told them, "Give me a chance to call my wife real  
25 quick," and I talked to my wife, and she told me,

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1 "You know you've been wanting to do this already for  
2 a while. So why don't you just do it?"

3 Q. Then why were you so reluctant talking to  
4 her about, "Ah, I don't know"?

5 A. Because I still knew that the possibility  
6 of me being, like, 20 years is still there. So I  
7 was telling her, "Ah, well, I'm not too sure."

8 Q. You didn't want to get 20 years, did you?

9 A. I don't think nobody wants to get 20  
10 years.

11 Q. That's because prison is hell, isn't it?

12 A. Right.

13 Q. It's not where you want to be?

14 A. No.

15 Q. And you wanted to get out?

16 A. Who doesn't? Anybody that's in prison  
17 wants to get out.

18 THE COURT: Mr. Lowry, would this be a  
19 good time for us to take our break for the evening?

20 MR. LOWRY: Sure, Your Honor.

21 THE COURT: Ladies and gentlemen, you've  
22 just heard the testimony of Mr. Urquiza, and you've  
23 also heard that before this trial he made a  
24 statement that may be different from his testimony  
25 here in court. This earlier statement was brought

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1 to your attention only to help you decide how  
2 believable his testimony in this trial is. You  
3 cannot use it as proof of anything else. You can  
4 only use it as one way of evaluating Mr. Urquizo's  
5 testimony here in court.

6 All right. I appreciate your hard work  
7 today. Y'all have a good evening. We'll see you at  
8 8:30 in the morning.

9 All rise.

10 (The jury left the courtroom.)

11 THE COURT: I'll try to have you another  
12 set of jury instructions in the morning. But I  
13 think both sides need to start doing this right now.  
14 You need to start running some yellow tabs or some  
15 sort of list. You're going to need to tell me who  
16 we're going to put in the drug -- and I don't want  
17 to wait until the last minute to do this. So I'd  
18 like to -- if we're going to include these  
19 instructions, then we need to start doing it now.

20 And so at the end of each day, I'd like  
21 y'all to shoot me an email or a letter or something.  
22 Tell me whether we picked up anybody additional.

23 The drug abuser -- if we're going to use  
24 that, we need to put names in there. Prior  
25 inconsistent statements. Who the experts are.

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1 Deliberate -- the willful blindness instruction. I  
2 need to figure out what the Government's contention  
3 is that there has been some deliberate ignorance.

4 Plea agreements. I need to list out all  
5 the names in the plea agreements, and then all the  
6 names of who we're going to put in the accomplice  
7 instruction.

8 So that's my list of six right at the  
9 moment. We're going to have to tailor those and put  
10 individual names in. So start running a list, and  
11 at the end of the day shooting Ms. Standridge or  
12 Ms. Wild or somebody -- however we're doing that --  
13 saying, "This needs to go in there," because I'll  
14 start adding them to them. But if we wait eight  
15 weeks and then start reconstructing this trial,  
16 we're not going to do a good job, and it's just  
17 going to delay everything.

18 So start feeding me those names on those  
19 six categories.

20 MR. BECK: Your Honor, I don't believe  
21 that Mr. Urquiza was impeached, and I understand  
22 that you gave an instruction at the end of that that  
23 something was to be used for impeachment.

24 THE COURT: Yeah, I did, because I think  
25 he was impeached. He said one thing there, and then

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1 he said that wasn't right; he got it from some other  
2 source. So the instruction will stand.

3 All right. Y'all have a good evening.

4 (The Court stood in recess.)

5

6

7 Tuesday, February 6, 2018

8

9 THE COURT: All right. Good morning,  
10 everyone. I appreciate everybody being here and on  
11 time. I don't know if it was today or yesterday,  
12 but Ms. Standridge passed out the preliminary jury  
13 instruction that I was proposing to hand to the  
14 jury. Did those look okay to everybody? Have you  
15 had a chance to look at it?

16 MS. ARMIJO: Yes, Your Honor, they were  
17 fine.

18 MS. DUNCAN: They look fine to us, Your  
19 Honor.

20 THE COURT: So I'll have Ms. Standridge  
21 make 18 copies and get those to the jurors. I hope  
22 to have another set. I worked last night, yesterday  
23 to get you a new set of jury instructions. As you  
24 can see, I'm beginning to get into the VICAR  
25 portions of it. So you can see how I'm handling

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1 those. We've got a ways to go. Do keep my request  
2 last night in mind so we can start keeping these  
3 things current so we don't run into a jam at the end  
4 of the trial with not having any -- those six  
5 categories, us scrambling to try to figure out what  
6 we're going to put in.

7 All right. Ms. Fox-Young, did you have  
8 something you wanted to raise?

9 MS. FOX-YOUNG: Yes. Good morning, Your  
10 Honor.

11 THE COURT: Good morning, Ms. Fox-Young.

12 MS. FOX-YOUNG: I just wanted to let the  
13 Court know that, of course, Mr. Perez is here. He  
14 has not yet received all of his medications and he  
15 is still feeling pretty awful. He's, of course,  
16 here.

17 Based upon the Court's order I wanted to  
18 make a record that yesterday afternoon and yesterday  
19 morning he was sleeping intermittently and coughing  
20 very loudly, so loudly, in fact, that at times at  
21 least our table couldn't hear the testimony or the  
22 questioning. But he did have a nebulizer treatment  
23 last night and he does have an inhaler, and you  
24 know, we've made the best provisions that we can for  
25 him to get through today.

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1           I'd just ask, if Mr. Perez does need to  
2 take a quick break or is having trouble, if we could  
3 let the Court know. We're just having a hard time  
4 communicating with him and getting him through the  
5 trial, but we're doing our best.

6           THE COURT: Yeah, there's a lot of  
7 coughing going on. Ms. Bean has been coughing all  
8 the way through. There have been some jurors that  
9 have been coughing. I've noticed a lot of coughing.  
10 I guess it's good news he doesn't have the flu. But  
11 I guess we don't really know what he has; right?

12           MS. FOX-YOUNG: That's right, Your Honor.  
13 And he does have some underlying conditions that  
14 make him more susceptible.

15           THE COURT: That's true.

16           MS. FOX-YOUNG: And so we're keeping an  
17 eye on his lungs. I know the marshals are  
18 communicating with us to some degree. So we'd just  
19 ask the Court to keep in mind that Mr. Perez has a  
20 very frail condition and we're trying to get him  
21 through this. But he was not attentive yesterday.  
22 We were not able to communicate with him. I don't  
23 think he even knew what was going on yesterday as  
24 the proceedings continued. Thank you, Judge.

25           THE COURT: All right. If you need to

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1 take a break or something, just let me know.

2 Ms. Standridge, while you were out of the  
3 room, everybody approved those jury instructions.

4 So if we'll go ahead and make 18 copies of those, we  
5 can give those to the jurors. And I've given  
6 Brennan Hammond a set of jury instructions to get to  
7 Mary today and pass out to the attorneys, as well.

8 THE CLERK: Okay.

9 THE COURT: All right. Mr. Lowry, you  
10 have something?

11 MR. LOWRY: Yes, Your Honor, I do. At the  
12 end of the proceedings yesterday, Mr. Beck made an  
13 objection that I was misrepresenting the record.  
14 And I think -- I spoke to Mr. Beck this morning. I  
15 think this is more of a misunderstanding. I was  
16 cross-examining Mr. Urquiza about his understanding  
17 of whether the death penalty was possible, and he  
18 made reference -- what I believe, made reference to  
19 this case and was following this case in the news,  
20 and said the death penalty in this case was still on  
21 the books. And that was my interpretation of what  
22 the witness was staying.

23 And so when I questioned him directly  
24 about the death penalty in this case was taken off  
25 in June of 2016, Mr. Beck objected and said that I

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1 was misrepresenting the facts.

2 I spoke to Mr. Beck this morning, and he  
3 can speak for himself, but I think the Government's  
4 position was that they understood Mr. Urquiza to be  
5 talking about his specific case. I went back and  
6 looked at the daily transcript, and I'm still of the  
7 opinion that we were talking about proceedings in  
8 this case.

9 So rather than get down in the weeds, I  
10 was hoping to get some kind of instruction from the  
11 Court that nobody has misrepresented the facts of  
12 this case or attempted to.

13 THE COURT: Well, I think that -- well,  
14 let me hear from Mr. Beck before -- we kind of were  
15 heading out when we had this conversation.

16 MR. BECK: I tried to pull up the  
17 transcript and I couldn't, so I'm looking at the  
18 real-time. Mr. Lowry asked, "So you lied to your  
19 sister and you lied to his wife. "No. I didn't  
20 lie" -- and then the answer is, "No, I didn't lie.  
21 I made -- I was thinking that right away because I  
22 had seen that on the news and everybody else.  
23 That's why."

24 Mr. Lowry said, "You followed that case on  
25 the news. Did you realize that the death penalty

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1 was taken off?"

2 And Mr. Urquizo said, "Actually, it wasn't  
3 taken off at that time."

4 Mr. Lowry says, "That was February."

5 He says, "A little after that, it was  
6 taken off. In February, it was still on."

7 Mr. Lowry asked, "It was still off June 9,  
8 2016?"

9 He asked, "Okay, when this happened,  
10 February 25."

11 And so what happened is, they were talking  
12 about -- I believe Mr. Urquizo said when "Actually  
13 it wasn't taken off the table at that time," Mr.  
14 Urquizo was talking about his death penalty  
15 protocol. And indeed, his death penalty protocol  
16 was still on the table at that time. It was not  
17 taken off until, I believe, sometime the middle of  
18 last year, which would have been the middle of 2017.  
19 And so when he says, "It was taken off June 9" --  
20 when Mr. Lowry says, "It was taken off June 9,  
21 2016," Mr. Urquizo says, "Okay, when did this  
22 happen?" "February 25." That's not accurate. Mr.  
23 Urquizo's death penalty was still on the table at  
24 that time. So what I said is I objected because  
25 there was misstatement of the evidence at that

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1 point. Mr. Urquizo's death penalty was still on at  
2 that time.

3 THE COURT: Well, this is the way I sort  
4 of analyzed it. It seemed that before the break,  
5 without tying it in any way to Mr. Acee or anything  
6 else, he seemed to have communicated to the people  
7 on call that he was death-penalty eligible, and he  
8 knew that he was not; and therefore, he could be  
9 impeached. We'll let the jury decide whether he was  
10 or not. I do think these are not collateral issues  
11 and so I'm allowing a little bit of proof by the  
12 defendants because I don't think these are  
13 collateral. And that's just where I was. You asked  
14 for the instruction. I gave the instruction. So if  
15 you don't want the instruction, that's fine. But --

16 MR. BECK: I understand, Your Honor. I  
17 think the curative instruction last night was  
18 confusing because we asked for it if he was  
19 impeached. I thought he wasn't impeached, the Court  
20 did. I sort of --

21 THE COURT: Well --

22 MR. BECK: In the heat of the moment -- I  
23 understand the Court's instruction, and I think it  
24 was --

25 THE COURT: The instruction doesn't tell

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1 the jury that he was impeached. It just simply  
2 states that's the reason that the evidence was  
3 brought in. They make the determination. But  
4 you'll have to make a call as to whether you want  
5 the instruction or not. A lot of people don't want  
6 it because it doesn't -- isn't helpful and it may  
7 hurt them with the evidence. But you're entitled to  
8 it if you want it.

9 MR. BECK: I understand, Your Honor. And  
10 I looked back at the transcript and saw that we had  
11 asked for it previously, and then I thought that he  
12 was not. So I'm past that. I understand.

13 THE COURT: Yeah, I don't make the  
14 determination as to whether he's impeached. I  
15 simply make a determination that this evidence is  
16 coming in for that purpose.

17 MR. BECK: Sure.

18 THE COURT: If you want the instruction,  
19 you're entitled to it.

20 MR. BECK: Right, Your Honor.

21 MR. LOWRY: Well, Your Honor, I guess we  
22 missed the boat on my issue, which was, I think  
23 there was not a meeting of the minds between the  
24 three parties here about what the conversation was.  
25 Because when there was a mention about the news, my

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1 interpretation was: We were talking about the  
2 proceedings in this case, and not his individual  
3 case.

4 THE COURT: So I allowed you to impeach  
5 him on it.

6 MR. LOWRY: Well, no. There was an  
7 objection that I was trying to misrepresent the  
8 facts. I had no idea what the Government was doing.  
9 I was not even privy to those facts. So I couldn't  
10 misrepresent facts that I had no knowledge of.

11 THE COURT: Okay. All right.

12 All rise.

13 (The jury entered the courtroom.)

14 THE COURT: All right. Everyone be  
15 seated.

16 Good morning, ladies and gentlemen. I  
17 appreciate you being back and on time and ready to  
18 go. I appreciate counsel doing the same. I  
19 appreciate everybody making a real effort to keep  
20 things on track so we can keep the commitment to you  
21 as to how long this trial is going to last and keep  
22 it moving.

23 Ms. Standridge will be passing out to you  
24 a preliminary instruction, the one I read at the  
25 beginning that you've already heard. But in there

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1 you'll see the names of the counsel, you'll see the  
2 names of the defendants, and you'll also see the  
3 charges here. So if that helps you, you'll have  
4 that here in a few minutes.

5 All right, Mr. Urquiza, I'll remind you  
6 that you're still under oath.

7 THE WITNESS: Okay.

8 THE COURT: Mr. Lowry, if you wish to  
9 continue your cross-examination, you may do so at  
10 this time.

11 MR. LOWRY: Thank you, Your Honor. May it  
12 please the Court.

13 THE COURT: Mr. Lowry.

14 GUADALUPE URQUIZO,  
15 after having been previously duly sworn under  
16 oath, was questioned, and continued  
17 testifying  
18 as follows:

19 CONTINUED CROSS-EXAMINATION

20 BY MR. LOWRY:

21 Q. Good morning, Mr. Urquiza.

22 A. Good morning.

23 Q. At the end of yesterday we were talking  
24 about whether your case was death-eligible.

25 A. Yes, sir.

Q. And you said you were following this case

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1 in the news.

2 A. The news, and we had -- where I was at, we  
3 had all the paperwork on the RICO indictment, so  
4 everybody got indicted. So that's how I know  
5 everything that was happening.

6 Q. In this case?

7 A. In all the cases, yes. Everybody got  
8 charged.

9 Q. Okay. So were you aware that the death  
10 penalty was removed from the public cases by  
11 February of 2017?

12 A. No, I wasn't. I don't think so.

13 MR. LOWRY: May I approach the bench, Your  
14 Honor? I mean, approach the witness?

15 THE COURT: You may.

16 BY MR. LOWRY:

17 Q. Now, Mr. Urquiza, I've handed you two  
18 separate court documents.

19 A. Um-hum.

20 Q. Can you read the dates that those were  
21 filed, at the very top of the document?

22 A. Filed 9/13/2016.

23 Q. And what was the second one filed?

24 A. The second one was on June 6, 2016.

25 MR. LOWRY: May I approach?

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1       Q.    And would you agree with me that both of  
2 these documents were entitled "Notice of intent not  
3 to seek a sentence of death"?

4       A.    That's what it says on there, yes.

5       Q.    And that was before your first meeting  
6 with the FBI in 2017?

7       A.    Yes.

8       Q.    Now, in your testimony yesterday, you said  
9 that you didn't learn about the death penalty from  
10 your meeting with the FBI; that that's something you  
11 came up with on your own.

12      A.    No, I didn't say I came up -- I said I  
13 made an assumption because we had the paperwork of  
14 all the indictments. When it happened, they were  
15 placing the death penalty. So that's why I said  
16 that.

17      Q.    Okay. So that was an assumption you made?

18      A.    Because we had the paperwork on the RICO  
19 indictments.

20      Q.    We're going to play a recording marked as  
21 Z-3.

22            MR. BECK: Your Honor, may we approach?

23            THE COURT: You may.

24            (The following proceedings were held at  
25 the bench.)

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1                   MR. BECK: So I don't know what this  
2 recording is and what the purpose is.

3                   THE COURT: What are we about to hear?

4                   MR. LOWRY: Your Honor, we're about to  
5 hear a call to his brother that was made after the  
6 call we posted yesterday. By the way, the call  
7 yesterday said that the FBI told him he was looking  
8 at the death penalty. He's just testified that that  
9 wasn't the case. This is something that he came up  
10 with on his own, and here he is making a second  
11 call, talking to his brother, and saying the FBI  
12 told him he was looking at 20 years, life, or the  
13 death penalty. So this is direct impeachment of his  
14 testimony.

15                  THE COURT: And you're positive he says  
16 the FBI told him?

17                  MR. LOWRY: Yes, I am, Your Honor. I  
18 listened to it twice last night.

19                  THE COURT: Okay.

20                  MR. BECK: I'll take him -- I think  
21 yesterday's call did not say that the FBI told him.  
22 The FBI talked to him about 30 years, and was  
23 consistent about that. He said he thought could  
24 face the death penalty; that's fine. If this call  
25 says the FBI told him that, I think it's proper

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1 impeachment.

2 MR. LOWRY: Your Honor, he says -- I mean,  
3 he says, "The FBI came and talked to me, they said I  
4 could do this, this, or this."

5 THE COURT: Okay. Well, go ahead and play  
6 it, then.

7 (The following proceedings were held in  
8 open court.)

9 THE COURT: Mr. Lowry.

10 MR. LOWRY: Your Honor, we'll come back to  
11 this.

12 BY MR. LOWRY:

13 Q. Suffice it to say that after that initial  
14 encounter with the FBI, you did get an attorney.

15 A. Yes.

16 Q. And you set up a second meeting with the  
17 FBI and the prosecutors for March 6, 2017?

18 A. Yes, I did.

19 Q. And at that meeting -- that happened in  
20 Albuquerque, New Mexico?

21 A. No, Las Cruces, New Mexico.

22 Q. Right here?

23 A. Las Cruces.

24 Q. Las Cruces. And so they transported you  
25 all the way down here early in the morning?

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1 A. Yes.

2 Q. Okay. And you sat down to talk with them  
3 about this case?

4 A. Yes.

5 Q. And they gave you a letter saying, "You  
6 can say anything you want and it won't be used  
7 against you"; correct? A Kastigar letter?

8 A. Right. Right.

9 Q. And you sat down and told them what you  
10 knew?

11 A. Correct.

12 Q. What they asked you about at the February  
13 24 meeting.

14 A. Yeah.

15 Q. Okay. And you told them that you had  
16 spoke with Mr. Baca sometime in 2012 or 2013?

17 A. Somewhere around there, yes.

18 Q. Was that in the winter of 2012?

19 A. I think it was around August of 2012.

20 Around August. Somewhere around there.

21 Q. Okay. August of 2012 you spoke to Mr.  
22 Baca?

23 A. I'm not exactly sure the month and the  
24 date, but it was somewhere around that time.

25 Q. Okay. So we're going to play for you the

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1 clip.

2 (Tape played.)

3 MR. LOWRY: I apologize, Your Honor, it's  
4 the wrong clip.

5 MR. BECK: And Your Honor, can we get an  
6 instruction to the jury just to strike or disregard  
7 if some of them understood. I didn't, but  
8 apparently there was some mention of it. I don't  
9 think anything in there was relevant.

10 THE COURT: All right. Let's just  
11 disregard, and I'll strike from the record that tape  
12 that was played.

13 BY MR. LOWRY:

14 (Tape played.)

15 Q. So when you were talking to your brother,  
16 you said they, meaning the FBI, could hit you with  
17 20 years, a life sentence, or the death penalty?

18 A. That's what it sounded like, yes.

19 Q. And after you talked to your brother about  
20 that situation, that's when you decided to come down  
21 to Las Cruces to meet with the prosecutors and the  
22 FBI?

23 A. Yes.

24 Q. And when you came down, you were feeling  
25 out the situation with them to see what they could

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1 do for you?

2 A. I wasn't feeling the situation. I just  
3 wanted to talk to my family and see if I wanted to  
4 go through with it. That was it.

5 Q. And actually, at that meeting your wife  
6 was there, wasn't she?

7 A. Yes, for a while, yes.

8 Q. Okay. And you spoke at length about this  
9 case?

10 A. What do you mean? Yeah, I spoke to them,  
11 yes.

12 Q. And we talked about this a bit yesterday.  
13 You told the FBI and the prosecutors that you had  
14 spoke with Mr. Baca. Now you're saying in August of  
15 2012.

16 A. I mean, I don't know the exact date and  
17 time and all that. I mean, if you're trying to get  
18 me to lie about everything like that, I don't know  
19 what to tell you. I mean, it's hard to remember  
20 every single thing, you know.

21 Q. I'm not trying to get you to lie. I'm  
22 trying to figure out what happened. So when did you  
23 meet with Mr. Baca, according to you?

24 A. If you ask me what day and time and all  
25 that, I can't tell you exactly what month, what

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1 date. But I know it was in 2012.

2 Q. Right. Well, you told the FBI and the  
3 prosecutors it could have been 2013.

4 A. Late 2012 or early 2013. That's what I  
5 said.

6 Q. And my question to you was: Does that  
7 mean the winter of 2012?

8 A. I think it's a little bit before that,  
9 because I told them that, but I'm not too sure  
10 exactly. It happened in 2012. For a fact, it  
11 happened in 2012.

12 Q. Okay. So when you told them it could have  
13 happened in 2013, you were wrong?

14 A. Yeah. I was trying to figure it out. I  
15 mean, there were so many questions coming my way, so  
16 I was trying to figure it out.

17 Q. Okay. And according to you, where did  
18 that conversation take place?

19 A. Housing unit 3-B at the North facility.

20 Q. And what pod were you in?

21 A. I was in W pod, and Anthony Baca was in X  
22 pod.

23 Q. How long had you been housed in W pod?

24 A. I wasn't there that long. I had just got  
25 there from housing unit 3-A.

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1           Q.    So what does that mean, you weren't there  
2 that long?

3           A.    Maybe a few weeks. I'm not too sure.

4           Q.    And how would you have communicated with  
5 somebody in the pod next door?

6           A.    That's easy. We went outside. We talked  
7 in the rec.

8           Q.    Now, at that point you had discussed with  
9 them about you traveling from PNM South in Santa Fe  
10 down to Southern here in Las Cruces?

11          A.    Will you ask me the question again?

12          Q.    Sure. When you spoke to them on March 6,  
13 2017, you talked to them about your transfer from  
14 PNM South, in Santa Fe, to Southern in Las Cruces.

15          A.    Actually, they transferred me to PNM  
16 North. And when I came to Las Cruces, I asked them  
17 if they could transfer me to Southern.

18          Q.    So are you saying you didn't know you were  
19 coming down to Southern?

20          A.    I don't understand what -- to talk to  
21 them? Yes, I knew I was coming down to talk to  
22 them. But I requested to go to Southern.

23          Q.    My question to you, Mr. Urquiza, is: When  
24 you spoke to these folks on March 6, 2017, right,  
25 you talked to them about your transfer in early 2014

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1 from PNM --

2 A. Oh.

3 Q. -- in Santa Fe to the Southern facility  
4 here in Las Cruces.

5 A. Yes, yes.

6 Q. Okay. And you told them that when you got  
7 to Southern you were assigned HU 1-A, yellow pod, A  
8 pod?

9 A. Yes, sir.

10 Q. And when you came into the pod, you told  
11 them that you had a conversation with Mario  
12 Rodriguez and Timothy Martinez?

13 A. That's right.

14 Q. But when you were talking to them on March  
15 6, you told them that you had that conversation by  
16 holding up notes to a glass window.

17 A. No. That's not -- no, that's not what I  
18 said. What I said is, as soon as I walked in, they  
19 were by the window. I talked to them. They told me  
20 to go to the side door. And when I went to the side  
21 door, Mario Rodriguez asked me if I had that, and he  
22 slid a letter underneath the door that he already  
23 had written, because he knew I was already there  
24 for, like, three hours, because my name was on the  
25 board. That's what I said.

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1       Q.    Okay.  But in the FBI's report of your  
2 meeting on March 6, it says that "Rodriguez asked  
3 Urquiza if he had brought paperwork, and Rodriguez  
4 held the note up to the door."

5       A.    No, that's not what I said.  That's not  
6 what I said.

7       Q.    That's not what you said?

8       A.    No.

9       Q.    So Mr. Acee got it wrong when he wrote it?

10      A.    No, I said he slid the letter under the  
11 door.

12      Q.    Okay.

13      A.    You can't hold a letter to the window.  
14 There is no window on the side door.

15      Q.    Could we bring up E-8?  Now, this isn't  
16 yellow pod.  This is blue pod.  But when you're  
17 talking about the door, you're talking about these  
18 two doors; right?

19      A.    When I first seen -- yes, when I first  
20 walked in and seen Mario, it was at the front door.  
21 It has a little window.  I seen Mario and Timothy  
22 Martinez, and they told me go to the side door.  
23 That's the side door I went to, the bottom tier.

24      Q.    Okay.  Because that's where your housing  
25 unit -- you were in cell 110.

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1       A.    Yes, which is two doors down from where  
2 that door is right there in yellow pod.

3       Q.    Can I show E-17 real quickly?

4               And you would agree with me that E-17 --  
5 this is a shot of what that door between the pods  
6 looks like?

7       A.    Um-hum.

8       Q.    It's a solid door?

9       A.    Yes.

10      Q.    No window?

11      A.    No, there is no window. I just told you I  
12 didn't talk to him through a window right there.

13      Q.    Okay. Could I get G-162, please?

14               Do you recognize this schematic at all?

15      A.    Kind of looks like, yeah, the shape of the  
16 unit.

17      Q.    Okay. And you would agree with me that  
18 this is what we refer to as the blue pod?

19      A.    I think so, yes. I would like to see the  
20 color of it to know exactly. But, yeah, I think so.

21      Q.    And we were just looking at photographs of  
22 the blue pod?

23      A.    Right.

24      Q.    Okay. And this would be the yellow pod,  
25 where you were housed?

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1 A. Right.

2 Q. And this would be the green pod?

3 A. Right.

4 Q. Okay. And if you were in room 110, this  
5 would have been your cell right there?

6 A. On the bottom tier, yes.

7 Q. On the bottom tier?

8 A. Right.

9 Q. So if the FBI report indicates that you  
10 were communicating with folks in the next pod  
11 through glass, that's what you told them on March 6?

12 A. You're misunderstanding what you're  
13 reading. That says, "When I first arrived to the  
14 unit Mario Rodriguez and Timothy Martinez were  
15 standing in front of blue pod, which has a little  
16 window, and I talked to them right there through the  
17 front, and then he told me, 'Go to the side door,'"  
18 and that's where I went, which is the side door when  
19 I went to yellow pod.

20 Q. So you didn't hold up any notes to them on  
21 the glass when you walked in?

22 A. No, I just came in. No.

23 Q. Now, the purpose of meeting with the  
24 Government was to tell them everything that you  
25 thought you knew about the Molina murder?

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1           A. Not what I thought; what I know.

2           Q. Okay. You didn't say anything about this  
3 meeting with Mr. Baca the day that you departed from  
4 the North facility to the South facility.

5           A. What do you mean? Yes, I had told them  
6 right away. I had told them that I talked to them  
7 about it.

8           MR. LOWRY: May I approach, Your Honor?

9           THE COURT: You may.

10 BY MR. LOWRY:

11           Q. Mr. Urquiza, I handed you a report of your  
12 meeting with the FBI and the prosecutors on March 6,  
13 2017. Take your time to review it and show me in  
14 that report where you discussed the meeting with Mr.  
15 Baca the day that you left for the South facility.

16           A. No, I told you that I discussed it with --  
17 the first time I talked to Acee, he asked me more or  
18 less to give him a little detail so he could see  
19 that I was being truthful. And right there it does  
20 say the first time I heard about the hit with Molina  
21 was 2012, 2013. And I told you that's around the  
22 time that I talked to Anthony Baca. So that's how I  
23 learned about it.

24           Q. I think you told me it was in August.

25           A. Oh, man. Well, what I'm saying is: I

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1 don't know the exact date, month or time. I mean,  
2 if you're trying to get me about that, I don't know  
3 what to tell you. I don't know the exact date. I  
4 didn't write it down. If I knew I was going to be  
5 testifying back, then I would have wrote everything  
6 down on a paper so I could have exact dates. But I  
7 wasn't thinking like that back then.

8 Q. So you don't know what time of day it was?

9 A. No. What I'm saying is: It seems to me  
10 like that's what you want me to tell you, the exact  
11 month, exact date, the exact time, and I can't tell  
12 you all that because I can't remember every single  
13 detail.

14 Q. No, I'm just asking you what time of day  
15 it was.

16 A. What do you mean? It was daytime.

17 Q. Was it the morning?

18 A. Yeah. Well, we went to rec, so it had to  
19 be between -- we go to the rec from 7:00 to 4:00, so  
20 it had to be between that time.

21 Q. So in this report show me where you spoke  
22 to the FBI about this meeting with Mr. Baca when you  
23 were transferred from the North facility to the  
24 South facility.

25 A. It does tell you right there that when I

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1 was in W-5, North facility, I spoke to Baca. It  
2 does say it right there.

3 Q. That is the meeting in August. When were  
4 you transferred from the North facility to the South  
5 facility?

6 A. Actually, it's not the meeting from  
7 August. If I'm looking at the paper, you told me  
8 the dates to look at it, it says 3/16/2017.

9 Q. Mr. Urquiza, I'm asking you a simple  
10 question. When were you transferred from the North  
11 facility to the South facility in Santa Fe?

12 A. Before when this happened, or --

13 Q. I'm just asking you a very simple  
14 question. When were you transferred from the North  
15 facility to the South facility before you arrived at  
16 Southern just before the Molina murder?

17 A. It was in, I believe, late 2012.

18 Q. Okay. So the last meeting you had with  
19 Mr. Baca would have been?

20 A. Before I went to the South.

21 Q. And so you're saying that that's the  
22 meeting you're talking about there on the front page  
23 of that report?

24 A. Yes.

25 Q. Now, when you met with the FBI on March 6,

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1 did you listen to audio recordings of you with other  
2 inmates that were made in the facility?

3 A. No.

4 Q. You didn't?

5 A. No.

6 Q. Okay. Did they talk to you about your  
7 brother's exposure to criminal liability for  
8 assisting you in shot-calling at South?

9 A. No, that's not exactly what happened.  
10 When I decided to talk to the FBI and to the U.S.  
11 Attorneys, I told them that there was something that  
12 happened that kind of involved my brother, but he  
13 did not know that he was actually involved. So I  
14 wanted to make sure that nothing happened to him if  
15 I spoke about it, and they said they weren't after  
16 him.

17 Q. And they told you if you cooperated with  
18 them, they'd make sure your brother didn't get into  
19 trouble?

20 A. No, they told me from the get-go that they  
21 weren't after him.

22 Q. Then why were they asking questions about  
23 your brother's involvement in shot-calling down in  
24 Las Cruces?

25 A. No, that's not what they were asking me.

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1 I told them that Mario Rodriguez and Jerry Montoya  
2 made a phone call to my brother not to forget for me  
3 to get that letter. So I told them that, but I  
4 didn't want my brother -- because he didn't know  
5 what was happening. So they said, "We're not after  
6 your brother."

7 Q. Well, you made a deal with them so your  
8 brother wouldn't get prosecuted.

9 A. No, that's not what I did, no. I just --  
10 they straight, flat-out told me from the get-go that  
11 they were not after my brother; they weren't  
12 concerned about that.

13 Q. Following that meeting, you called your  
14 brother and told your brother that the FBI was  
15 asking questions about his criminal conduct. Do you  
16 remember that?

17 A. No, I don't remember that. They didn't  
18 ask me. They just asked me if he was an SNM Gang  
19 member, and I said yes. That was it.

20 Q. Do you remember telling your brother that  
21 not only were they asking questions; you tried to  
22 deflect those questions?

23 A. No, I don't remember saying that. I can't  
24 remember. And if you're asking me, it wasn't  
25 actually the FBI that asked me about that. It was

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1 some lawyer who came to talk to me about all that  
2 stuff, and it was for -- Billy Garcia's lawyer.  
3 Now, that's who came and asked me a lot of questions  
4 about my brother, about being in Southern.

5 Q. But when you were talking with the  
6 prosecutors in this case, they were asking about  
7 your brother's drug-dealing activities between New  
8 Mexico and Baltimore, Maryland, and yours?

9 A. No, I never -- I never drug-dealed from  
10 here to Baltimore or nothing like that.

11 Q. You're from Clovis; correct?

12 A. Correct.

13 Q. And you knew David Calvert because he's  
14 from Clovis.

15 A. Right.

16 Q. And you knew Eric Duran, because he's from  
17 Clovis.

18 A. Correct.

19 Q. And are you telling this jury you didn't  
20 work with Eric Duran and his drug dealings?

21 A. No, I didn't. I never did work with Eric  
22 Duran, no.

23 Q. So you called your brother to tell them  
24 that he was in the clear because you worked out a  
25 deal with the Government where he wouldn't get

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1 prosecuted?

2 A. No. I just told my brother that he had  
3 nothing to worry about because he wasn't involved in  
4 anything. And I told him what happened with me,  
5 telling them about Jerry Montoya and Mario Rodriguez  
6 calling them.

7 Q. You actually told your brother that if you  
8 cooperated with the United States they were going to  
9 take care of everything and he'd be safe.

10 A. I mean -- of course. After I decided that  
11 I was going to testify, I was going to be worried  
12 about him. He's an SNM Gang member. I mean, come  
13 on.

14 Q. That was part of your deal. That was a  
15 benefit you got from the United States, that your  
16 brother wasn't going to get prosecuted.

17 A. I don't know if that's a benefit. That's,  
18 like, looking out for my brother as well as my  
19 family. Now my life is in danger, the rest of my  
20 life. What I'm doing right now, sitting right here  
21 telling.

22 Q. But my question to you, Mr. Urquiza, is:  
23 They told you if you cooperated, they would not  
24 prosecute your brother.

25 A. Man, they didn't tell me that. I mean,

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1 you keep asking the same question. I'm going to  
2 tell you the same answer. They didn't tell me that.

3 Q. Do you remember telling your brother that?

4 A. Like I told you, I told him that I talked  
5 to them and I told them about the phone call, and  
6 they weren't going to mess with him. They told me  
7 they're not after him, and that's what it was.

8 Q. How did you know that they weren't going  
9 to mess with him if you didn't have a deal?

10 A. Because my brother has never done nothing  
11 for SNM, to begin with. Everything that -- I've  
12 actually done everything so they wouldn't mess with  
13 my brother. He's my little brother, so I protect my  
14 little brother always.

15 MR. LOWRY: Your Honor, I'm going to play  
16 another audio clip of a conversation that Mr.  
17 Urquiza had with his brother on March 12, following  
18 his meeting with the United States on March 6. And  
19 part of this is in Spanish. Exhibit Z-4.

20 (Tape played.)

21 Q. When you're talking about -- you said to  
22 your brother, "I want to make sure my carnal is all  
23 good, too, and all that, you know."

24 A. But if you listen to the beginning of the  
25 call, I was talking about Wild Bill's lawyers.

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1 Q. Sure. At the beginning --

2 A. And they're the ones that started talking  
3 about all this stuff that happened in Las Cruces.  
4 So I then brought it to their attention about what  
5 was happening with Wild Bill's lawyers. So all  
6 that -- the whole beginning of the conversation was  
7 talking about Wild Bill's lawyers.

8 Q. But at the end of the conversation, you're  
9 talking about your brother, and you tell the United  
10 States you want to make sure your carnal is all  
11 good, too, and all that.

12 A. Well, you just hear the beginning of the  
13 conversation with -- Wild Bill's lawyers came, they  
14 were asking us about stuff that happened in Las  
15 Cruces back in the early 2000s that we had no part  
16 of it.

17 Q. Did Wild Bill's lawyers tell you, "If  
18 you're truthful, and everything, we'll take care of  
19 everything"?

20 A. No.

21 Q. Of course not. Because that's what the  
22 United States told you.

23 A. Wild Bill's lawyers was trying to throw  
24 things off on us. That's what they were trying --

25 Q. You were concerned about your brother

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1 getting prosecuted by the United States Government.

2 A. No, not prosecuted. Maybe after Wild  
3 Bill's lawyers talked to me, that maybe they would  
4 want to go talk to him, and then maybe the feds will  
5 maybe try to get involved in it. It wasn't for  
6 sure.

7 MR. LOWRY: May I approach, Your Honor?

8 THE COURT: You may.

9 BY MR. LOWRY:

10 Q. Mr. Urquiza, there is only mention of one  
11 conversation that you purportedly had with Mr. Baca  
12 in this document.

13 A. Actually, there's that first time I talked  
14 to him right there in the cages. And before I left  
15 to the South, I talked to him again.

16 Q. But in this document that I asked you to  
17 look through, there is only a mention of a single  
18 conversation.

19 A. Okay.

20 Q. Now, in this document you also talked  
21 about the Julian Romero assault.

22 A. Right.

23 Q. And we talked about this a little bit  
24 yesterday, but in this document where you met with  
25 the United States on March 6, this document says

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1 that Ray Baca asked that Mr. Romero be beaten up,  
2 but not be stabbed or killed.

3 A. Yeah, I think there was a mess-up right  
4 there. What I was trying to say was that he  
5 wanted -- Anthony Baca wanted him killed, but  
6 Jonathan Gomez said, "No, we should just beat him  
7 up. They should have took care of that a long time  
8 ago."

9 Q. Then the next sentence of this document  
10 says that Viarenga, Villegas, David Chavez, a/k/a  
11 Whacky, were supposed to kill Romero despite Baca's  
12 directive.

13 A. Yeah. That right there, the names got  
14 switched around. I don't know if I accidentally  
15 mistakenly said it like that. But what I was trying  
16 to say, that it was Anthony Baca had to kill him,  
17 but Jonathan Gomez said, "No, we should just beat  
18 him up."

19 By this time Anthony Baca was out of state  
20 already, so he wasn't be the one locked down the  
21 whole time after what was going to happen.

22 Q. Let's be clear about this. You never  
23 spoke directly to Mr. Baca about this Romero  
24 assault.

25 A. I never said I did.

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1 Q. I'm asking to be clear about it, for this  
2 jury.

3 A. Yes, I never did say.

4 Q. The only thing you heard about the Romero  
5 assault came from Mr. Gomez.

6 A. Yes, sir. Well, not the only time. It  
7 had been ongoing for years. But yeah, that time,  
8 yes.

9 Q. And that's because Gerald Archuleta wanted  
10 Mr. Romero dead?

11 A. That was the original hit.

12 Q. And that's why you called Gerald  
13 Archuleta, to congratulate him on a job well-done.

14 A. No. The reason I called him was because  
15 that's the only way I could get hold of him, and  
16 Anthony Baca was out of state. But he got word.

17 Q. So after this meeting you had with the  
18 Government on March 6, 2017, you were signed up as a  
19 confidential human source of information, weren't  
20 you?

21 A. Yes.

22 Q. And you started receiving benefits right  
23 away, didn't you?

24 A. No, not right away. Like a few months  
25 afterwards.

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1 Q. You had a contact visit with your wife at  
2 that meeting; correct?

3 A. That's a -- yeah, I guess it is.

4 Q. Correct?

5 A. Yes.

6 Q. And you got to embrace her?

7 A. Yeah.

8 Q. And you apparently kissed her?

9 A. Yes.

10 Q. Were you alone at the time?

11 A. No, I was in there with my lawyer.

12 Q. And she bit you on the lip?

13 A. Huh?

14 Q. Did she bite you on the lip?

15 A. When she kissed me, yeah.

16 Q. She didn't bite you on the lip?

17 A. Yeah, whenever she kissed me, yeah, she  
18 bit on my lip, yeah.

19 Q. That was a benefit.

20 A. I guess, man. Yes, I guess.

21 Q. Is this humorous to you?

22 A. No, but that's, like, why would you even  
23 ask me that if it's a benefit? Come on, man. It's  
24 my wife. I kissed her. I was happy to do it. I  
25 mean --

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1 Q. And you started getting money on your  
2 commissary account?

3 A. Yes.

4 Q. And your expectation leaving that meeting  
5 was that you were going to get a significantly  
6 reduced sentence.

7 A. Not expectations. Hopeful.

8 Q. Hopeful, but you talked to your wife about  
9 the sentencing exposure you thought you were going  
10 to have, didn't you?

11 A. Yes. And said yesterday I was comforting  
12 her. I mean, I don't know exactly what I'm going to  
13 get. I was trying to make it easy on her. I mean,  
14 it's kind of hard to tell your wife what's going on.  
15 She don't even know exactly what's going on with  
16 this whole SNM thing. She don't understand it.

17 Q. But you told her you thought your sentence  
18 would be down below five years.

19 A. I told her I was hopeful for anything,  
20 honestly.

21 Q. No. You told her that if you recruited  
22 other informants to help the Government and tell  
23 them what they wanted to hear, that you would get  
24 substantial reductions in your sentence.

25 A. Okay. Like I said, again, I'm hoping for

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1 it. I was hoping for that. I still am hoping for  
2 whatever sentence I get.

3 Q. But you didn't tell her you were hoping  
4 for that. You said if you turned David Calbert, you  
5 would get five years off your sentence?

6 A. I said -- I was mentioning -- again, I was  
7 mentioning that assumption right there, myself, that  
8 I was hoping that would happen. I was comforting my  
9 wife, and that's what I told her.

10 Q. Did you use the word "hope" in that  
11 conversation with your wife?

12 A. I didn't know I had to. But if I knew  
13 this was going to happen, I would have said that,  
14 yes.

15 Q. So when you met with the Government on May  
16 6, you didn't think you were going to have to  
17 testify in this case?

18 A. No, of course I knew I was going to  
19 testify. I was ready to testify.

20 Q. Okay. So my question is: You expected a  
21 sentence of less than five years based on your  
22 conversation with the folks at this table.

23 A. No, man. I was hoping I could get  
24 anything. I don't expect it. They made me clear  
25 that there was no promises whatsoever when it came

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1 to my time.

2 MR. LOWRY: Can you play Z-6?

3 Your Honor, I'm going to play for the jury  
4 Z-6, Defendants' Z-6, which is a conversation  
5 between Mr. Urquiza and his wife.

6 (Tape played.)

7 BY MR. LOWRY:

8 Q. So this Vato they were supposed to reel in  
9 was David Calbert?

10 A. I don't know if I was talking about David  
11 Calbert, but...

12 Q. Well, in an earlier call you talked about  
13 David Calbert and Blue, landing them.

14 A. Right.

15 Q. And you wanted to land them because you  
16 would get the benefit of a sentence reduction by  
17 recruiting for the United States.

18 A. But I also said on the conversation they  
19 would consider it.

20 Q. Right.

21 A. So I mean, of course, if I'm helping them,  
22 I'm sure they were going to consider, see that I'm  
23 trying to help and even get other SNM Gang members  
24 to come this way and help out to take SNM down. So  
25 of course, they're going to probably try to help me

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1 out the best way they can.

2 Q. And your math, in that conversation --

3 your sentence was below five years.

4 A. Well, actually, like I told you, I had a  
5 federal book, and it has the 5K, and actually,  
6 that's where I got a lot of the information.

7 Because if you read through the federal book and it  
8 talks about the 5K, and talks about if you help out,  
9 they can reduce your sentence a lot, actually, if  
10 you help out. And they recommend it. It's up to  
11 the courts, of course, but that's how I got a lot of  
12 my information about that.

13 Q. Sure. Let's talk about that 5K. Now, the  
14 5K is, if the folks at this table think you're being  
15 truthful, they can file a motion with this Court for  
16 you to get a reduction in your sentence.

17 A. Correct.

18 Q. But only if they think you're truthful?

19 A. Correct.

20 Q. Now, you testified yesterday that you had  
21 given up drugs -- or hold on for a second. I'll get  
22 the exact quote. I believe you testified that, "I  
23 tried to step away from drugs."

24 A. Right.

25 MR. LOWRY: May I approach, Your Honor?

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1                   THE COURT: You may.

2                   MR. LOWRY: And Your Honor, I've marked  
3 this for identification purposes as Exhibit EO.

4 BY MR. LOWRY:

5                   Q. Mr. Urquiza, do you recognize that?

6                   A. I just barely seen it the other day. They  
7 had shown me for the first time.

8                   Q. Is that something that was in your cell?

9                   A. I was told that it was in my cell, but I  
10 really don't know if it was or wasn't.

11                  Q. You don't know if that was in your cell?

12                  A. No. They had told me it came out of my  
13 cell.

14                  Q. The FBI says it came out of your cell.

15                  A. The FBI -- the New Mexico Department of  
16 Corrections told them that it came out of my cell.  
17 That's how they made that it came out of my cell.

18                  Q. So you're testifying to this jury that  
19 that letter wasn't found in your cell?

20                  A. I don't know if it was. I wasn't in my  
21 cell when they found it or when they said they found  
22 it, so I can't tell you yes or no about it.

23                  Q. Have you ever read that letter?

24                  A. Just a few days ago. I barely got a copy  
25 just a few days ago.

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1 Q. And that letter is discussing how to  
2 smuggle drugs into the Department of Corrections?

3 A. Yes, I read it.

4 Q. When is the last time you used Suboxone?

5 A. A few years ago. It's been a few years.

6 I don't want to say the exact year, because you all  
7 will attack me about the year. But it's been a few  
8 years.

9 Q. So when your truthfulness is being  
10 assessed whether that letter is yours or not, the  
11 folks at this table are going to make that  
12 assessment?

13 A. Right.

14 Q. You also testified yesterday on direct  
15 examination about an assault of Greg Chacon in  
16 December of 2016?

17 A. Correct.

18 Q. And you testified to this jury that that  
19 assault was SNM business.

20 A. That was politics.

21 Q. Do you remember talking to your wife about  
22 that assault being over the phone battery dying  
23 before you got it?

24 A. I'm not going to get on the phone and tell  
25 her it was over SNM. That would be the stupidest

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1       thing ever.

2           Q.    But you told her that it was about the  
3       phone battery dying?

4           A.    Yes, I did.

5           Q.    Why talk about it at all?

6           A.    Because I got locked down. I couldn't use  
7       the phone. When I finally got to use the phone, I  
8       told her what happened. I had somebody actually  
9       call her and tell her that I got in a fight.

10           But STIU and everybody listens to our  
11       phone calls. I wasn't going to say it was SNM  
12       gang-related. That would be the craziest thing.

13           Q.    So you fabricated a story for her?

14           A.    No, not fabricated. I just didn't want to  
15       tell her -- if I would have got a bid to where I  
16       could tell her -- eventually I told her the truth.  
17       But I couldn't tell her because on the phone they  
18       record all that. That would be stupid for me to do  
19       that. I would have got moved out of that pod as  
20       soon as they heard that conversation.

21           Q.    But I thought you said that's what you  
22       wanted to do, is get out of the pod, get away from  
23       it.

24           A.    Yeah, but I also said that I was not going  
25       to walk out like that. So whenever they approached

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1 me, that was good.

2 Q. You also testified on direct yesterday  
3 that you told your wife you're going to get from  
4 between ten and fifteen years, hopefully.

5 A. Yeah. Somewhere around there.

6 Q. And we just heard the conversation you had  
7 with your wife when you were talking about less than  
8 five.

9 A. And I also said, too, that if I was  
10 helping to try to get other people to come this way,  
11 that maybe they could drop it even more. I believe  
12 I said that, too.

13 Q. At the end of the day, it's the folks at  
14 this table who decide whether you're being truthful  
15 or not.

16 A. Yes, sir. And I'm being 100 percent  
17 truthful.

18 MR. LOWRY: May I approach, Your Honor?

19 THE COURT: You may.

20 BY MR. LOWRY:

21 Q. Mr. Urquiza, do you recognize this  
22 photograph?

23 A. Yeah. It looks like the layout of the New  
24 Mexico Corrections Department.

25 Q. And what facility does that depict?

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1       A. I don't know. It could be the North or  
2 the South. They're almost exactly the same.

3       Q. So you can't tell the difference between  
4 whether that's the North or the South facility?

5       A. I think it's the North.

6                    MR. LOWRY: Your Honor, we've marked this  
7 as EP, and move for its admission.

8                    THE COURT: Any objection, Mr. Beck?

9                    MR. BECK: No objection, Your Honor.

10                  THE COURT: Anybody else have any  
11 objection? Not hearing any, Defendants' Exhibit EP  
12 will be admitted into evidence.

13                  (Defendants' Exhibit EP admitted.)

14        Q. Mr. Urquiza, for the benefit of the jury,  
15 we talked about all these facilities. But this is  
16 the North facility at Santa Fe. Can you tell me  
17 what unit this is?

18        A. I can't really notice from the top like  
19 that.

20        Q. But there are three separate units.

21        A. Right. I'm looking for -- if I know where  
22 the baseball field used to be at, then I would know  
23 exactly where -- I can't really tell, honestly.  
24 From the top like that, I can't tell.

25        Q. Okay. Well, do you recall the

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1 recreational cage where you claim that this  
2 conversation happened with Mr. Baca?

3 A. Which conversation? The first  
4 conversation or second one?

5 Q. Either one.

6 A. The first one, yeah, we were right next to  
7 each other, cage 1, cage 2. He was in 1, I was in  
8 2.

9 Q. Show me the cages on there, on the map.

10 A. I just told you, I don't know which one --  
11 I can't really -- I don't know which ones it is. I  
12 can't tell from the top like that. You'd have to  
13 show me, like, the cages directly. I can't tell you  
14 right there. I really can't.

15 Q. Okay. So how many years did you live in  
16 this facility?

17 A. Like 14. But I never really seen it from  
18 the top like that, so...

19 Q. Okay.

20 MR. LOWRY: May I approach, Your Honor?

21 THE COURT: You may.

22 MR. LOWRY: Your Honor, Mr. Beck said he'd  
23 stipulate to the admission of EQ, and I'd move for  
24 the admission of EP and EQ.

25 A. Actually, now I could see them. There is

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1 a track in the middle, so that's -- where the  
2 track -- where it's open, that's a basketball court  
3 right there. And that's where it is, right there.

4 THE COURT: All right. EP has already  
5 been admitted, and EQ. Any objection, Ms. Jacks?

6 MS. JACKS: No.

7 THE COURT: Not hearing any objections  
8 from any of the other defendants, it's all right  
9 with you, Mr. Beck?

10 MR. BECK: Yes, Your Honor. No objection.

11 THE COURT: Then Defendants' Exhibit EQ  
12 will be admitted into evidence.

13 (Defendants' Exhibit EQ admitted.)

14 BY MR. LOWRY:

15 Q. Mr. Urquiza, you can touch that screen and  
16 point out the track, so everybody understands.

17 A. It's kind of hard to reach, but I believe  
18 it's the one with the -- looks like it's kind of red  
19 cages. From the top, it looks like it's red.  
20 Honestly, I can't really tell. Yeah, I think it's  
21 better if I get something like maybe where the cages  
22 are when you first walk in. It's kind of hard for  
23 me to really tell. I don't want to start pointing  
24 out things that I'm not too sure about.

25 Q. Sure. And I don't want you to speculate,

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1 either. But it's your testimony that you lived in  
2 this facility for 14 years and you don't know which  
3 is housing unit 1, housing unit 2, or housing unit  
4 3?

5 A. I know the housing units, but I haven't  
6 seen it like that from the top, so it's kind of  
7 confusing. If you show me, like, from the sides --  
8 I know housing unit 1-A and 1-B are together and,  
9 2-A and 2-B, and then 3-A and 3-B. Now, if you  
10 point out which housing unit it is, I can tell you  
11 exactly. But I can't look at the top and, oh, it's  
12 that one and that one. I can't do that.

13 Q. So you testified to this jury that there  
14 was a point in time where you were in an exercise  
15 cage and you could see Mr. Baca on the inside of the  
16 facility.

17 A. Yes, Q pod is -- from the first cage, Q  
18 pod is from, like, here to where the second juror is  
19 sitting. It's not that far.

20 Q. So can you show me Q pod on this diagram?

21 A. No, I can't. That's the problem. I don't  
22 know exactly what we're looking at.

23 Q. Well, you're looking at the North facility  
24 for the Penitentiary of New Mexico in Santa Fe.

25 A. Yeah, but I don't know exactly where

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1 the -- which -- what I'm trying to get at is, I  
2 don't know which unit is which one. If I knew  
3 exactly which unit, then I can point it out to you.

4 Q. Okay. Mr. Urquizo, this is Exhibit EQ.  
5 If I represent to you that this is housing unit 3 --

6 A. Okay. And now we see those cages right  
7 there on the side, and there is the building right  
8 there on the side?

9 Q. Okay. And again, point out to us, so we  
10 all have the same understanding --

11 A. Yeah, that's --

12 Q. Okay.

13 A. There is a row of cages on the very top.  
14 I can't really touch the screen, but that row right  
15 there on the very top.

16 Q. Are you talking about this?

17 A. Yes. Those are the cages, and there is a  
18 little walkway, and then right across the walkway is  
19 exactly where all of the cell windows are to Q pod  
20 and R pod.

21 Q. Okay. Now, I'm going to bring you a copy  
22 of this Exhibit EQ and ask you to mark where the Q  
23 pod and the R pod are.

24 A. Okay.

25 MR. LOWRY: May I approach, Your Honor?

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1                   THE COURT: You may.

2                   A. Which do you want me to mark?

3 BY MR. LOWRY:

4                   Q. Where is the Q pod?

5                   A. Q pod is right here, and R pod is right  
6 here.

7                   Q. Okay. Will you mark it down on the right  
8 so we can see it later?

9                   A. Q pod and R pod.

10                  Q. Do you want to initial that right over  
11 here?

12                  A. (Witness complies.)

13                  Q. And it was your testimony that on your  
14 last day that you were at the North facility, you  
15 saw Mr. Baca as you were out in the rec yard and he  
16 was in Q pod?

17                  A. Correct.

18                  Q. And then you were transferred to the South  
19 facility in Santa Fe?

20                  A. Yes.

21                  Q. And after that, you were transferred to  
22 the Southern facility here in Las Cruces?

23                  A. Yes.

24                  Q. Now, I want to finish talking about the  
25 final benefits. You said on direct that you were

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1 given only two to three hundred dollars?

2 A. I think so. Somewhere around there.

3 Q. Okay. Would it surprise you to learn that  
4 you got about twice that much, a little over \$650?

5 A. I'm not too sure how much I got, honestly.

6 Q. You weren't tracking it?

7 A. No, I wasn't really tracking it. I mean,  
8 I just had it on my books.

9 Q. But the big benefit that you're going to  
10 get for your testimony is to run your state sentence  
11 concurrent with your federal sentence, isn't it?

12 A. Hopefully.

13 Q. Well, that's built into your plea  
14 agreement, isn't it?

15 A. Yes.

16 Q. And so part of that is, you get to run all  
17 of your time at the same time.

18 A. That's what we're hoping, yes.

19 Q. Well, you're not hoping for that; you  
20 built it into your plea agreement.

21 A. Yeah, I built it into my plea agreement.  
22 But at the end of the day, it's still going to be up  
23 to the Courts if I get that or not.

24 MR. LOWRY: May I have a moment, Your  
25 Honor?

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1                   THE COURT: You may.

2 BY MR. LOWRY:

3                   Q. Mr. Urquizo, do you have any sense of how  
4 much time you have left on your state charges?

5                   A. I was thinking nine to twelve years, but I  
6 was told maybe even more than that. Maybe, I don't  
7 know, 15, 16, 17.

8                   Q. So you have a substantial amount of state  
9 time still pending?

10                  A. Correct.

11                  Q. And so if you get this sentencing  
12 reduction you're anticipating to get off of your  
13 20-year sentence, you could get out of this without  
14 serving an additional day in prison; correct?

15                  A. What do you mean?

16                  Q. Well, if your federal sentence is equal to  
17 or less than your state sentence, you can get out  
18 without doing any additional time; right?

19                  A. Besides the federal time that I got to do,  
20 that's what I'm hoping for, yes.

21                  Q. Your federal time is going to run at the  
22 same time as your state time.

23                  A. That's -- yes.

24                  MR. LOWRY: No further questions, Your  
25 Honor.

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1                   THE COURT: Thank you, Mr. Lowry.

2                   Any other defendants? Ms. Bhalla?

3                   CROSS-EXAMINATION

4 BY MS. BHALLA:

5                   Q. Good morning, Mr. Urquiza.

6                   A. Good morning.

7                   Q. If I understand your testimony correctly,  
8 you first began cooperating or first sat down with  
9 the Government in February of 2017; is that correct?

10                  A. Correct, ma'am.

11                  Q. You might have to speak up a little bit.  
12 I'm sorry.

13                  A. Yes, ma'am.

14                  Q. And in that initial meeting, Special Agent  
15 Acee was there, yes?

16                  A. Yes.

17                  Q. And you indicated to him that you wanted  
18 to protect yourself from prosecution, yes?

19                  A. Correct.

20                  Q. And Agent Acee told you that he understood  
21 that, and he would get you a lawyer; is that  
22 correct?

23                  A. Yes.

24                  Q. And he did that. The federal government  
25 got you a lawyer, didn't they?

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1 A. Yes, he did.

2 Q. And after you got a lawyer, you went back  
3 and you met with them again in March of 2017; is  
4 that correct?

5 A. Correct.

6 Q. Okay. And at that time they gave you a  
7 Kastigar letter; is that correct?

8 A. Correct.

9 Q. And the Kastigar letter means it's going  
10 to protect you from prosecution for what you say to  
11 them; correct?

12 A. Correct.

13 Q. Okay. The complaint in this matter  
14 charging you was filed on August 31 of 2017; is that  
15 correct?

16 A. Yes.

17 Q. Okay. Have you had a chance to look at  
18 that complaint?

19 A. Yes, I have.

20 Q. Okay. And you're aware that you were  
21 alleged to have been involved in 39 overt acts; is  
22 that correct?

23 A. Yes.

24 Q. Okay. And you entered a plea in this  
25 matter in January of this year; is that correct?

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1 A. Yes, I did.

2 Q. And you didn't plead guilty to any of  
3 those 39 overt acts, did you?

4 A. I pleaded guilty to everything that was on  
5 there.

6 Q. There was one count of RICO conspiracy  
7 that you pled guilty to; isn't that correct?

8 A. But it was the one thing --

9 Q. It's a yes-or-no question.

10 A. I don't really understand this, so --

11 Q. Would you like me to show you a copy of  
12 the plea agreement?

13 A. I know the plea agreement.

14 Q. So the question is yes or no. Did you  
15 plead guilty to one count of a RICO conspiracy? Yes  
16 or no?

17 A. I did, yes, I guess.

18 Q. Okay, thank you.

19 In August of 2017, you met with Special  
20 Agent Acee and you talked about this case; is that  
21 correct?

22 A. Correct.

23 Q. And you talked a little bit about the --  
24 is it the Sosoya or the Sosa hit? I get them  
25 confused.

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1 A. Sosoya hit.

2 Q. And you told Agent Acee that a lot of that  
3 had to do with Mario Rodriguez stirring the pot; is  
4 that correct?

5 A. No. Afterwards, I mean, because it was  
6 something that had happened a long time ago with  
7 Robert Martinez and Carlos Herrera.

8 Q. Let me take you to that 302. Okay. So  
9 this meeting took place on August 22 of 2017;  
10 correct?

11 A. Correct.

12 Q. And you talked about the Sosoya hit;  
13 correct?

14 A. Right.

15 Q. And you stated -- and tell me yes or no,  
16 if this is right or wrong -- "Martinez did not want  
17 to look like a punk so he and Blue, Mario Rodriguez,  
18 hit Alex Sosoya. Mario Rodriguez was the one  
19 stirring the pot and instigating the fight."

20 Did you say that? Yes or no?

21 A. I never denied it. I just didn't deny it  
22 earlier. I just went back to how it all started.

23 Q. Did you say that? Yes or no?

24 A. Yes.

25 Q. Okay. And you also told Special Agent

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1 Acee, "Mario wanted to be a leader, but his prior  
2 charges won't let that happen." Did you say that?

3 A. Right.

4 Q. What do you know about Mario Rodriguez's  
5 prior charges?

6 A. He picked up a sexual crime when he was in  
7 the county jail.

8 Q. Okay. And then you stated to Mr. Acee --  
9 and you tell me if you said this or tell me if you  
10 didn't say it -- "All the guys started questioning  
11 Rodriguez, and his motivation for sexually  
12 assaulting Holguin. Urquiza" -- I'm sorry. That's  
13 the end. Did you say that?

14 A. Yes.

15 Q. Okay. Did you also tell him that the  
16 Holguin assault was not gang-related and was very  
17 strange?

18 A. Yes.

19 Q. Okay. What did Mario Rodriguez do in that  
20 assault, do you know?

21 A. To Holguin?

22 Q. Yes.

23 A. He put -- him and other individuals put a  
24 hot sauce inside of Holguin's ass, I guess you could  
25 say.

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1 Q. Why did they do that?

2 A. Because it was believed he was a child  
3 molester.

4 Q. But you testified that Mario Rodriguez  
5 also had sex offenses in the past; is that correct?  
6 Yes or no?

7 A. No, that's not what I said. I said county  
8 jail. I'm talking about that right there.

9 Q. No, I know you're talking about Mr.  
10 Sosoya. I'm asking you if Mario Rodriguez had prior  
11 sex offenses. Yes or no?

12 A. No. No. That's not what I said.

13 Q. Is it correct, then, that you said that he  
14 wasn't going to be a leader because people suspected  
15 he had prior sex charges?

16 A. He got sex charges for doing that to  
17 Holguin. That's what I'm saying.

18 Q. Okay. You testified on --

19 MR. VILLA: Judge, I need some help.

20 THE COURT: Ladies and gentlemen, why  
21 don't we take a break for this morning?

22 (The jury left the courtroom.)

23 MR. VILLA: Your Honor, it appeared Mr.  
24 Perez is having a seizure. So I think he needs to  
25 be examined by a health care provider of some sort.

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1 He was having a serious cough, and then appeared to  
2 be seizing to me and to the Marshal Service.

3 MS. DUNCAN: Me, as well, Your Honor. I  
4 just want to say I saw the same thing, Your Honor.  
5 He seemed to seize, and his head fell back and was  
6 not responsive to his counsel.

7 MS. JACKS: We saw it, as well, from  
8 behind him, Team Sanchez.

9 MR. VILLA: As you recall some of the  
10 testimony from Dr. Brislen, he does have a seizure  
11 disorder. And we've been having trouble getting him  
12 to see a neurologist. His medications are very  
13 sensitive and need adjustment. But it appears to  
14 have been brought on by the coughing attack.

15 THE COURT: Well, why don't y'all look at  
16 him, the marshals, and tell me what his situation  
17 is. We'll be in recess for about 15 minutes.

18 (The Court stood in recess.)

19 MS. FOX-YOUNG: Your Honor, I don't know  
20 if you're going to want to hear from Mick first, but  
21 we want to make a record.

22 THE COURT: I think we need the lawyers  
23 and defendants here.

24 MS. FOX-YOUNG: I know. I just want to  
25 let the Court know we need a minute.

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1                   THE COURT: All right. We'll go on the  
2 record. Let me hear first from the Marshal Service  
3 about what they've discovered during the break.

4                   MR. MICKENDROW: Good morning, Your Honor.  
5 Deputy Mickendrow. I spoke with Mr. Perez and  
6 discussed his past seizure activity. The Marshal  
7 Service is well aware of it. In fact, that's one of  
8 the reasons that we brought him to Dona Ana  
9 Detention Center, is that facility is able to  
10 provide the best medical care for him.

11                  The Marshal Service is waiting to get Mr.  
12 Perez in to a neurologist. The issue with that is  
13 that any neurologist that we have contacted within  
14 the Albuquerque, Las Cruces, and El Paso area is  
15 booked out quite a distance into the future. We're  
16 looking at November of 2018 before we could get him  
17 his first appointment at this point.

18                  We are reaching out to our headquarters to  
19 inquire about expanding the search criteria to areas  
20 such as Lubbock and Arizona to provide us with maybe  
21 a greater pool of neurologists to seek from.

22                  Mr. Perez stated to me that he does  
23 typically have seizures, and that they happen for a  
24 few seconds, and that sometimes afterwards he'll  
25 feel dizzy or faint, and that on about half of the

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1 seizures he will pass out for them. I asked him if  
2 he notified the facility of that. He stated he did  
3 not, and that I asked him from here on out to make  
4 sure that he notifies the facility whenever he has a  
5 seizure, so that we can start documenting that. In  
6 addition, I'll reach out to the facility later on  
7 today and let them know that that's something that  
8 we want to occur.

9 In this case, his blood pressure came back  
10 fairly normal, considering that he's in a seated  
11 position and resting after that; and his sugar  
12 levels came back normal. When I spoke with the  
13 medics, they stated that it probably was not a  
14 seizure, but they could not confirm that without  
15 having blood work done. I don't know what further  
16 effort having blood work would provide us except  
17 knowing whether it was or was not a seizure. Rudy  
18 did say he felt better at this point. I did show  
19 him the proper way of utilizing his nebulizer. The  
20 only reason I know is because I have experience with  
21 asthma issues myself.

22 I believe that's about it, Your Honor.

23 THE COURT: The firemen and paramedics are  
24 still here. Is there anything that the firemen or  
25 paramedics would want to add to your examination of

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1 Mr. Perez?

2 MR. ECKHART: Your Honor, I apologize for  
3 not knowing the procedures on this.

4 THE COURT: Just go ahead and identify  
5 yourself. Looks like Mr. Eckhart?

6 MR. ECKHART: Yes, sir. Daniel Eckhart,  
7 paramedic with the Las Cruces Fire Department. With  
8 our limited knowledge of the gentleman and what the  
9 statement said, we believe it was probably more a  
10 sequelae episode from the coughing fit. Like I  
11 said, we cannot confirm that it was not a seizure  
12 without the blood work, and the blood work just  
13 shows the medicine or the medication that he takes  
14 are at the prescribed levels. They did explain that  
15 he was changing his seizure medication, which you  
16 could also have overlapping issues with.

17 THE COURT: All right. Anything else, Mr.  
18 Eckhart?

19 MR. ECKHART: Not that I'm aware of.

20 THE COURT: Thank you. I appreciate you  
21 coming over.

22 Deputy, I understood that sometimes he has  
23 three or four of these a day, and on a fairly  
24 regular basis. Am I getting an accurate picture?

25 MR. MICKENDROW: From what I discussed

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1 with Mr. Perez, it varies. In fact, he stated to  
2 the paramedics that he hasn't had a seizure in quite  
3 some time now, but I know when we were tracking him  
4 prior -- and I'm just looking over to Mr. Perez to  
5 confirm this or not -- that he was at times having  
6 three or four a day, depending on what was going on,  
7 but that they were intermittent, in that he could go  
8 some weeks where he'd only have maybe two or three a  
9 week, and then all of a sudden one day he'd have  
10 several in one day.

11 THE COURT: All right. Thank you, Deputy.

12 Ms. Fox-Young.

13 MS. FOX-YOUNG: Thank you, Your Honor. As  
14 the Court may have observed before the break, Mr.  
15 Perez had a spasming coughing attack, as he's been  
16 having throughout the course of the last two days.  
17 We don't know whether he seized or not, but as the  
18 Court knows, he does have a history of seizures, and  
19 very serious ones.

20 I just incorporate the testimony from Dr.  
21 Brislen from our suppression hearing in December.  
22 He had an eight-day seizure that was actually a  
23 result of a change in medication or correlated with  
24 a change in medication.

25 He has not seen a neurologist in years. I

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1 personally and Mr. Villa have had conversations with  
2 Mr. Joe Castro about getting him to see a  
3 neurologist. It is not as if this is not a  
4 complaint that has been made. That's not the issue  
5 before the Court. But Mr. Perez' neurological  
6 condition is a problem, and he really needs to see a  
7 neurologist. I think he needs to be seen at the  
8 hospital to see a neurologist if he cannot see  
9 somebody until November of this year. It's an  
10 emergent condition.

11 I'll tell the Court it's my perception  
12 that Mr. Perez is quite out of it. He has been  
13 today and he was yesterday. He's not tracking  
14 what's going on, particularly after the episode that  
15 happened right before the break. We came back, the  
16 Court can see his eyes are slits, barely open. He  
17 has been falling asleep. We've been losing him.  
18 He's not aware of what's going on in this trial the  
19 last two days and is not able to assist us in any  
20 substantive way in terms of assisting in his own  
21 trial.

22 As the Court knows, Mr. Perez has a due  
23 process right not to be tried while he's  
24 incompetent. That's the Pate case, 383 U.S. at 377.  
25 He has been spacing out. Dr. Brislen's testimony

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1 from the suppression hearing talked about  
2 subclinical events and spacing out can signify that  
3 a person is having seizures.

4 I can tell the Court that it appears Mr.  
5 Perez has not yet had the antibiotics that were  
6 ordered yesterday. He is fighting a serious  
7 infection. I won't go through the litany of other  
8 underlying conditions that he has, but he is very  
9 vulnerable and frail and at risk of having a serious  
10 medical event. I think that's what we're seeing  
11 happen as he starts to decompensate.

12 I'm also very concerned that his seizure  
13 medications may be below a therapeutic level and the  
14 only way to determine that is to do blood work.  
15 That may be why he's seizing. The paramedics told  
16 us that to figure out if he's having a seizure, the  
17 best thing to do is take him to the hospital, get  
18 blood work. They looked at him for a few seconds.  
19 They can't rule that out or say what's going on.

20 I don't know what his oxygen levels are,  
21 but he really is in bad shape, and I think the Watts  
22 versus Singletary case explains the defense counsel  
23 is in the best position to determine whether a  
24 client is competent and is tracking and is engaged  
25 in the trial against them.

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1                   And I'm very concerned that he's not  
2 competent. I would tell the Court that we have not  
3 been able to have any productive conversations with  
4 him about what's gone on in the trial for the last  
5 two days. And I think it's inhumane to have him sit  
6 here in a chair, shackled. He's just not doing  
7 well. And as the Court knows, he's been wearing a  
8 mask. He's been coughing heavily. He's trying not  
9 to get anybody else in the room sick. He's in very  
10 bad shape.

11                   And for all those reasons, Your Honor -- I  
12 mean he's here because you've ordered him to be here  
13 I think if he's going to continue, he may need to  
14 lie down. You know, I don't know. I can't tell the  
15 Court what's going to happen the rest of the day.  
16 But on these grounds, we move for a mistrial. If  
17 the Court wants to continue and have Mr. Perez sit,  
18 he's probably going to need some additional  
19 accommodations. Thank you, Your Honor.

20                   THE COURT: All right. Well, the motion  
21 for a mistrial is denied. I've been watching Mr.  
22 Perez. He came in this morning and was his old  
23 self. He was complaining about his cane. He's  
24 closest to me in this courtroom of any of the other  
25 defendants. And you know, he's been coughing; there

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1 is no doubt about that. But he's I think not  
2 feeling well. But he seems to be involved in the  
3 trial, and I haven't noticed him being in and out as  
4 much as defense counsel is suggesting.

5 So we'll monitor him. We'll see how he  
6 goes. He's had to fight these epileptic seizures  
7 for a long time, and we're having to deal with them  
8 during his trial. But I think we'll see how it  
9 goes. And if we can't do it, we can't do it. But  
10 right at the moment, I think we'll see if we can  
11 manage it.

12 Deputy?

13 MR. MICKENDROW: Your Honor, I apologize.  
14 But just given some of the comments made by Ms.  
15 Fox-Young, I wanted to -- and the fact that they're  
16 a part of the record now, I wanted to clarify a few  
17 things.

18 In regard to the neurologist, Ms.  
19 Fox-Young stated that Mr. Perez' condition is  
20 emergent. At this point, it is not emergent. It's  
21 considered routine. And that is an evaluation that  
22 is made by medical personnel. That's not made by  
23 the Marshal Service. It's made by the doctors that  
24 we sentenced Mr. Perez to to make those evaluations.

25 In addition, if we were to send Mr. Perez

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1 to the hospital, there is no neurologist on staff at  
2 a hospital. They would still have to be called in,  
3 and it would have to be considered an emergency  
4 procedure at that point. Given that we had just  
5 brought Mr. Perez to the hospital yesterday, I don't  
6 believe that condition would change today.

7 In addition, I would caution -- I would  
8 caution, in general, the Court, but also Mr. Perez'  
9 counsel from providing medical guidance, because we  
10 just spoke with the EMTs, and they said that having  
11 Mr. Perez lay down may actually worsen the condition  
12 that he's in. And therefore, that's why the Marshal  
13 Service is very cautious about the medical steps  
14 that we take when it comes to the people in our  
15 care.

16 And one final note would be that the  
17 antibiotics provided to Mr. Perez yesterday were  
18 precautionary. They were not because of any  
19 specific test or any specific result, but they were  
20 in an effort to make sure that whatever Mr. Perez  
21 has doesn't go any further.

22 THE COURT: All right. They weren't able  
23 to give any sort of diagnosis; correct?

24 MR. MICKENDROW: They were not, except for  
25 the fact that the chest x-ray did not look good to

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1 them.

2 THE COURT: All right. All right. Well,  
3 let's see how it goes. We'll monitor it. Let me  
4 thank the firemen and the paramedics for coming  
5 over. I appreciate it. I appreciate your counsel  
6 on this and your input. I appreciate it. We'll  
7 continue to watch Mr. Perez, and see how it goes.  
8 Y'all have good day. Thank you. I appreciate it.

9 (The jury entered the courtroom.)

10 THE COURT: All right. Everyone be  
11 seated.

12 All right. Mr. Urquiza, I remind you that  
13 you're still under oath.

14 Ms. Bhalla, if you wish to continue your  
15 cross-examination of Mr. Urquiza, you may do so.

16 MS. BHALLA: Thank you, Your Honor.

17 BY MS. BHALLA:

18 Q. Mr. Urquiza, after you spoke with Agent  
19 Acee in February of 2017, you were moved to another  
20 location; is that correct?

21 A. Yes, ma'am.

22 Q. Where were you moved?

23 A. The North facility.

24 Q. Who else was there with you in the housing  
25 unit?

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1 A. At that time?

2 Q. Yes.

3 A. Just me.

4 Q. There was no one else in your housing  
5 unit?

6 A. No other individuals but me from SNM.

7 Q. Do you know any other individuals who were  
8 housed in that unit with you?

9 A. I believe Clark was in there.

10 Q. Benjamin Clark?

11 A. No, not Benjamin Clark. His uncle. I  
12 forgot. He's an older dude. He was in there.  
13 Actually, next door there was Javier Rubio.

14 Q. So BB was there next door?

15 A. Yes, next door.

16 Q. Who else?

17 A. Billy Cordova.

18 Q. Billy Cordova. Who else?

19 A. And I think that's all I knew.

20 Q. And at some point you were moved to the N  
21 pod; is that correct?

22 A. Where?

23 Q. N? Like N as in Nancy?

24 A. No. Actually, I stayed there. I was in W  
25 pod. I was moved to 3-B W pod, and I stayed there

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1 for about, I want to say, a good six months.

2 Q. Who was in there with you then?

3 A. Clark, the one I was telling you. I  
4 forgot his first name.

5 Q. That's okay. You can go to the next one.

6 A. It was just me and him, really. We were  
7 the only ones that were SNM or past SNM, ex-gang  
8 members.

9 Q. At some point were you housed with other  
10 cooperators in this case aside from Javier Rubio and  
11 Billy Cordova?

12 A. Later on I was moved to X pod.

13 Q. X pod. And who was in the X pod?

14 A. It was myself, Javier Rubio, Billy  
15 Cordova, and eventually they ended up bringing Fred  
16 Quintana and Robert Martinez.

17 Q. Robert Martinez?

18 A. Yes.

19 Q. Were you ever given a tablet in this case?

20 A. Nope.

21 Q. I want to show you what's been marked EO.

22 MS. BHALLA: And I'll submit to the Court,  
23 Your Honor, this is a stipulated exhibit.

24 THE COURT: All right. Any objection to  
25 it?

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1                   MR. BECK: Yeah, we don't object to its  
2 admissibility.

3                   THE COURT: Anybody else? Not hearing any  
4 objection, Defendants' EO will be admitted into  
5 evidence.

6                   (Defendants' Exhibit EO admitted.)

7                   MS. BHALLA: Your Honor, may I approach?

8                   THE COURT: You may.

9 BY MS. BHALLA:

10                  Q. Can you see it on your screen?

11                  A. Yes, I've seen it.

12                  Q. Mr. Urquiza, I'm going to submit to you  
13 that this is a stipulated exhibit and that the  
14 Government stipulates that this letter was found in  
15 your cell. Is that your handwriting?

16                  A. No. I've got pretty fancy handwriting.  
17 That's the only way I know how to write.

18                  Q. Would you agree with me that this letter  
19 details ways for inmates to smuggle Suboxone into  
20 the jail? Again, it's a yes-or-no question.

21                  A. Yes. Again, I read it, so yes, it does.

22                  Q. Thank you. And that was found in your  
23 cell in January of 2018; correct?

24                  A. That's what I was told, yes.

25                  Q. Okay. Mr. Lowry asked you -- and I

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1 believe the Government also asked you part of what  
2 motivated you to cooperate in this case. And if I  
3 recall, your testimony was that you'd been thinking  
4 about it for a while, and you were ready to move on,  
5 and you were tired of the back-stabbing. Is that  
6 fair to say?

7 A. Yeah.

8 Q. And you were also asked whether or not you  
9 had been recorded by another cooperator in this  
10 case. Do you recall that question?

11 A. Yes.

12 Q. Okay. Do you recall that your answer to  
13 that question was no?

14 A. Yes.

15 MS. BHALLA: Could you please,  
16 Ms. Gilbert, get ready for Exhibit Z-8?

17 I'd like to go ahead and play that  
18 exhibit, Your Honor.

19 Q. You know what? Actually, before we start,  
20 let me ask you a couple of questions before we  
21 start. You speak Spanish; correct?

22 A. Yes.

23 Q. And we've heard you speaking Spanish;  
24 correct?

25 A. Yes.

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1 Q. The word for "alambre" in Spanish is wire;  
2 is that correct?

3 A. Correct.

4 Q. And "palitos" means sticks; correct?

5 A. Correct.

6 Q. And Gerald Archuleta is a cooperator in  
7 this case; correct?

8 A. Correct.

9 Q. And his moniker is Styx; is that correct?

10 A. Yes.

11 MS. BHALLA: Okay. Let's go ahead and  
12 play Z-8 now, please.

13 (Tape played.)

14 Q. Is it still your testimony that you  
15 weren't recorded?

16 A. Yes, I wasn't talking about myself. I  
17 never said "me." When I said I read those papeles,  
18 I'm talking about papeles that we had. We had  
19 papeles where Styx was actually wired recording  
20 people.

21 Q. So it's your testimony that you weren't  
22 recorded; right?

23 A. No, I wasn't recorded.

24 Q. But it is your testimony that Styx made  
25 recordings; right?

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1 A. Yes, he did.

2 Q. And clearly, you were implicated on those  
3 recordings; right?

4 A. Hum, no.

5 Q. No? It's your testimony that you weren't  
6 implicated on those recordings?

7 A. Implicated? Like, I don't understand the  
8 question.

9 Q. Well, the federal government came to talk  
10 to you; right?

11 A. Right.

12 Q. Okay. And they told you they had you,  
13 didn't they?

14 A. Yes.

15 Q. And they had you because they showed you  
16 the transcripts of the recordings; is that right?

17 A. No, I seen the transcripts in L pod. It  
18 was in my pod.

19 Q. Oh. So you saw other people's discovery.

20 A. Yeah, I said that earlier, the RICO  
21 indictment.

22 Q. And when you saw -- okay. That's fine.  
23 When you saw those recordings or the transcripts of  
24 those recordings, you were implicated.

25 A. Actually, I don't understand -- I still

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1 don't understand the question, honestly.

2 Q. Do you know what the word "implicated"  
3 means?

4 A. No, I guess I don't.

5 Q. "Implicated" means you were shown to be  
6 involved.

7 A. Actually, on that paperwork, I wasn't, no.

8 Q. So the paperwork that you read did not  
9 implicate you, and that prompted you to cooperate  
10 with the federal government? Is that what you're  
11 saying?

12 A. No, it was afterwards when he came and  
13 talked to me that I decided I want to talk to them.

14 Q. That phone call was in March of 2017. Do  
15 you recall that?

16 A. Yes, I do.

17 Q. We took a brief break while the jury was  
18 out. Is your lawyer in the courtroom today, the one  
19 that the federal government got you?

20 A. Yes.

21 Q. I'm not going to ask you what you talked  
22 to her about, but you talked to her during the  
23 break, didn't you?

24 A. When?

25 Q. During the break, when the jury was out,

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1 and we were all sitting in the courtroom.

2 A. Yes, ma'am.

3 MS. BHALLA: Can I have just a moment,  
4 Your Honor?

5 THE COURT: You may.

6 MS. BHALLA: Your Honor, I'll pass the  
7 witness. Thank you.

8 THE COURT: Thank you, Ms. Bhalla.

9 Mr. Villa, do you wish to cross-examine  
10 Mr. Urquizar?

11 MR. VILLA: Yes, Your Honor.

12 THE COURT: Mr. Villa.

13 MR. VILLA: Thank you, Your Honor.

14 THE COURT: Mr. Villa.

15 CROSS-EXAMINATION

16 BY MR. VILLA:

17 Q. It's still morning. Good morning, Mr.  
18 Urquizar.

19 A. Good morning, sir.

20 Q. So it's your testimony that Mr. Perez told  
21 you that he provided pieces for the shank to kill  
22 Javier Molina?

23 A. Yes, sir.

24 Q. You said that happened on a transport van;  
25 right?

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1 A. Yes, sir.

2 Q. A transport van to where?

3 A. From Las Cruces to Santa Fe. We were both  
4 transferred from Las Cruces to Santa Fe.

5 Q. When was that?

6 A. In 2015.

7 Q. 2015?

8 A. Yes.

9 Q. What month?

10 A. I'm not exactly too sure what month. But  
11 it was, I want to say, in the middle of 2015  
12 somewhere. I'm not too sure.

13 Q. So if it was June 2015, that would sound  
14 about right?

15 A. Possibility.

16 Q. So let me talk to you about that. So when  
17 you go from one prison to the next, you've got to  
18 get transported in a van; correct?

19 A. Yes, sir.

20 Q. And you were on that van with Mr. Perez  
21 and who else?

22 A. Just me and Mr. Perez.

23 Q. Just the two of you?

24 A. Two of us.

25 Q. And have you seen the document called an

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1 offender location history or inmate location  
2 history?

3 A. Have I seen it?

4 Q. Yeah.

5 A. No.

6 Q. So it's a document that shows where  
7 somebody who is in the prison system is; they go  
8 from one place to the next, they get moved to  
9 different places.

10 A. No, I haven't seen it. No.

11 Q. Let me show you what's already been  
12 admitted as Defendants' V-24. And if we could go to  
13 June 2015, Mr. Urquizo, this is the offender  
14 physical location history for Rudy Perez. Do you  
15 see that there at the top?

16 A. Yes, sir.

17 Q. And so I want to draw your attention to  
18 June 17, 2015. We're going to highlight that for  
19 you. Do you see that there?

20 A. Yes, sir.

21 Q. So that says "to PNM."

22 A. Right.

23 Q. And PNM is Penitentiary of New Mexico?

24 A. Yes, sir.

25 Q. And sometime in the middle of 2015 you

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1 remember being on a transport van with Rudy Perez.

2 A. Yes, sir.

3 Q. Okay. So does it make sense that that  
4 would have occurred on June 17, 2015?

5 A. Like it says there, yes.

6 Q. You don't have any reason to dispute that,  
7 do you?

8 A. No.

9 Q. So you agree with me, Mr. Urquiza, that  
10 that conversation you said you had took place -- I  
11 guess it's a year and three months after the Javier  
12 Molina murder?

13 A. Yeah, something like that, yeah.

14 Q. Javier Molina was killed March 7, 2014;  
15 right?

16 A. Correct.

17 Q. And so it wasn't until June 2015 that you  
18 had this conversation; right?

19 A. Yes.

20 Q. And when Mr. Perez told you that, in fact,  
21 what happened on that transport van was that Mr.  
22 Perez fell over; right?

23 A. Yes, sir.

24 Q. And he got stuck between the seats, didn't  
25 he?

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1 A. Yes, he did.

2 Q. Because he's disabled?

3 A. Yes.

4 Q. And you knew him to be disabled for many  
5 years; right?

6 A. I didn't really know him very well. I  
7 just kind of met him. I didn't know him too well,  
8 actually.

9 Q. When did you meet him?

10 A. I had met him while I was there, the four  
11 or five months I was there with him in Southern. I  
12 didn't really know him before then.

13 Q. So when you were in Southern -- we know  
14 you were there sometime before the Javier Molina  
15 murder, according to your testimony -- did you meet  
16 Mr. Perez then?

17 A. I was only there for one day when the  
18 Javier Molina murder happened. It happened the next  
19 day.

20 Q. Then you got moved out?

21 A. I went back to PNM and I appealed and went  
22 back to Southern.

23 Q. So when you went back to Southern, that's  
24 when you met Mr. Perez?

25 A. Yes.

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1 Q. At the time you met him, he was locked  
2 down in solitary like you were; right?  
3

4 A. Yes, we were all locked down for that  
murder, yes.  
5

6 Q. Everybody got locked down?  
7

8 A. Yes.  
9

10 Q. And everybody in the SNM got locked down?  
11

12 A. Yes.  
13

14 Q. Whether they were guilty or involved in  
the murder; right?  
15

16 A. Yes. We were all locked down.  
17

18 Q. Okay. You never talked to him the day  
before the Javier Molina murder; right? You never  
19 talked to Mr. Perez?  
20

21 A. No.  
22

23 Q. In fact, you hadn't met him?  
24

25 A. No.  
26

27 Q. Hadn't even heard about him?  
28

29 A. I heard about him.  
30

31 Q. You knew of him?  
32

33 A. Yeah, I knew of him, but I didn't know  
him.  
34

35 Q. So still, June 2015, he's still disabled,  
he still has difficulty walking, and somewhere along  
36 the travel he falls between the seats, and they  
37

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1 actually have to stop the van and help him; right?

2 A. Correct.

3 Q. And get him back out?

4 A. Yes, sir.

5 Q. And that's kind of embarrassing, isn't it?

6 A. Yes.

7 Q. For Mr. Perez that's embarrassing, isn't  
8 it?

9 A. Yeah. I helped him out.

10 Q. Okay. Good. And so while you're  
11 having -- at some point, you're having this  
12 conversation about Mr. Molina. I think you  
13 characterized it in your direct testimony that he  
14 was sort of bragging or proud; right?

15 A. Yes.

16 Q. He didn't tell you, did he, that before  
17 the Molina murder, Mario Rodriguez came into his  
18 room and took the piece from his walker.

19 A. No.

20 Q. And we talked a little bit about Mario  
21 Rodriguez; at least, you've talked about him here a  
22 couple of times. Let me show you a photograph,  
23 Government's 586. Is that Mario Rodriguez?

24 A. Yes, sir.

25 Q. Also goes by Blue?

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1 A. Yes, sir.

2 Q. And Mario Rodriguez -- he's got a  
3 reputation in the SNM, doesn't he?

4 A. Yes, sir.

5 Q. He's pretty scary?

6 A. He can be, yes.

7 Q. Can be violent?

8 A. Yes.

9 Q. And I think it was your testimony that he  
10 was -- he wanted to be a leader in the SNM; right?

11 A. Correct.

12 Q. He wanted to rise up the ranks, if you  
13 will?

14 A. Yes.

15 Q. But he had trouble with that because he  
16 had a sex offense conviction; right?

17 A. Correct.

18 Q. This issue that you talked about, he was  
19 in the county jail and raped somebody with a bottle?

20 A. Hot sauce bottle.

21 Q. Hot sauce bottle? Like Tabasco hot sauce?

22 A. Yes, sir.

23 Q. So you all knew about that; right?

24 A. Yes.

25 Q. And had some concerns about whether he

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1 could be a leader, because sex offenses are looked  
2 upon differently, aren't they?

3 A. Correct.

4 Q. But Mario wanted to be a leader, no matter  
5 what?

6 A. Yes.

7 Q. He wanted to rise up the ranks, didn't he?

8 A. Yes, he did.

9 Q. And along with some of the other younger  
10 up-and-comers; right?

11 A. Yes, sir.

12 Q. And isn't it true that Mario Rodriguez was  
13 sort of aligning himself with certain people in the  
14 SNM?

15 A. Well, I mean, not aligning, but we kind of  
16 were close friends. There were several of us that  
17 were close friends.

18 Q. And Mario was one of them; right?

19 A. Yes, sir.

20 Q. And David Calbert?

21 A. Yes, sir.

22 Q. And who else?

23 A. Carlos Herrera. He was one of the close  
24 friends.

25 Q. Okay. Mario Rodriguez and David Calbert

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1 are both working with the Government now; right?

2 A. Correct.

3 Q. Just like you?

4 A. Right.

5 Q. And one of the things that you and Calbert  
6 and Mario were breaking away from was Anthony Baca;  
7 right?

8 A. We didn't like his politics. Not breaking  
9 away. He was still the leader.

10 Q. Well, there were some disputes and  
11 disagreements.

12 A. We just didn't like his politics, yeah.

13 Q. We'll get back to that. So when you and  
14 Mr. Perez are having this conversation in the  
15 transport van, he didn't say Mario came and took the  
16 piece from his walker; right?

17 A. No.

18 Q. He didn't say that he was really scared  
19 when that happened.

20 A. No.

21 Q. Mr. Perez didn't tell you that.

22 A. That he was scared?

23 Q. That he was scared.

24 A. No.

25 Q. He didn't tell you he was scared of being

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1 next?

2 A. No.

3 Q. Because that would be weak of Mr. Perez to  
4 say that to you, wouldn't it?

5 A. No. Nobody is going to mess with him. We  
6 know that he's disabled. He pretty much gets a  
7 pass.

8 Q. Well, you don't know what took place in  
9 Mr. Perez' cell when Mario Rodriguez went in there,  
10 do you?

11 A. No, I don't know.

12 Q. Okay. So you weren't there.

13 A. No, I wasn't. I wasn't.

14 Q. You were in yellow pod.

15 A. Yes, I was.

16 Q. And Mario Rodriguez and Rudy Perez were in  
17 the blue pod?

18 A. Right.

19 Q. Do you know what cell Mario Rodriguez was  
20 in?

21 A. No, I don't.

22 Q. So you don't know what transpired between  
23 those two gentlemen when Mario Rodriguez came and  
24 took that piece from Mr. Perez' walker, do you?

25 A. No, I don't.

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1       Q.     But if Mr. Perez said, "Gosh, I was really  
2 scared, I was afraid for myself," that would be weak  
3 of him?

4       A.     It would, but I wouldn't believe him.

5       Q.     You agreed with me that it would be weak?

6       A.     It would be weak. Yes, it would.

7       Q.     Now, you agree with me that -- I think you  
8 testified that there was a phone call with your  
9 brother that -- this came up in the  
10 cross-examination about you're trying to protect  
11 your brother, you're trying to make sure he doesn't  
12 get prosecuted; right?

13      A.     I remember the conversation, yes.

14      Q.     You said that there was a phone call from  
15 Mario Rodriguez and Jerry Montoya to your brother  
16 asking about paper; right?

17      A.     A huila, a letter, yes.

18      Q.     Was that -- what huila was that?

19      A.     Paperwork for Javier Molina and Jerry  
20 Montoya.

21      Q.     So Jerry Montoya is calling about his own  
22 paperwork?

23      A.     He didn't know it, but yes, he was.

24      Q.     So Mario Rodriguez, who is working with  
25 the Government, and Jerry Montoya, who is also

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1 working with the Government -- you know that; right?

2 A. Right.

3 Q. -- call your brother and ask about  
4 paperwork, ask him to ask you about the Javier  
5 Molina paperwork.

6 A. No, he didn't say it like that. He told  
7 him, "Tell your brother. Don't you forget. Don't  
8 forget those letters."

9 And so my brother told me, "Don't forget  
10 those letters. And we got ice cream and chicken,"  
11 which I know what that meant, because we talked  
12 about it before Mario Rodriguez went to Southern. I  
13 was with him at the cell like about seven months  
14 before he went to Southern, so we already knew the  
15 paperwork was coming. We were just waiting for  
16 whoever got it.

17 Q. So Mario involved your brother because he  
18 wanted to get this paperwork down there, didn't he?

19 A. Yes, but my brother don't know it was  
20 paperwork.

21 Q. But Mario did, because he wanted the  
22 paperwork; right? Mario Rodriguez.

23 A. Yeah, he was getting it from Dan Dan.  
24 Dan Dan had the call.

25 Q. No, no, I didn't ask you about that. The

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1 phone call between your brother was between your  
2 brother and Mario Rodriguez and Jerry Montoya;  
3 right?

4 A. Yes.

5 Q. And that's what you know.

6 A. Yes.

7 Q. Mario was asking for the paperwork.

8 A. Yes.

9 Q. And when you got down to yellow pod the  
10 day before Javier Molina got killed, it was Mario  
11 Rodriguez that you spoke to; right?

12 A. Correct.

13 Q. Through the door.

14 A. Yes.

15 Q. He asked if you had that paperwork; right?

16 A. Yes.

17 Q. You all were passing letters to each other  
18 about the paperwork; right?

19 A. Correct.

20 Q. And one of the things you wanted to do  
21 when you got down there was take care of an issue  
22 you had with Samuel Gonzalez; right?

23 A. Yes.

24 Q. Gumby?

25 A. Yes.

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1 Q. You wanted to kill him.

2 A. Yes.

3 Q. Right?

4 A. Yes.

5 Q. But Mario said to you, "Look. We've got  
6 to do this thing on Javier Molina. Sorry, we can't  
7 wait till you get out" -- because you were locked  
8 down for like a week; right?

9 A. Yes.

10 Q. "We can't wait till you get out. We've  
11 got to do this thing on Molina. I'm sorry. We'll  
12 deal with Samuel Gonzalez later"; right?

13 A. Yes, because if not, somebody would throw  
14 a kite and Javier Molina would have got moved.  
15 That's why it happened so fast.

16 Q. And it was Mario that told you they needed  
17 to do that; right?

18 A. Orders of Daniel Sanchez. He wrote me a  
19 letter telling me --

20 Q. I'm not asking you about anybody but Mario  
21 Rodriguez. Mario passed you the letter that said,  
22 "We're going to move on Javier Molina"; right?

23 A. Yes. Like he said, "we."

24 Q. And Mario said that "We've got to do it  
25 now"?

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1 A. Yes.

2 Q. And the paperwork that you said you  
3 brought down, you gave to Mario Rodriguez; right?

4 A. I gave it to Carlos Herrera. Carlos  
5 Herrera gave it to Mario Rodriguez.

6 Q. Okay. So I want to understand your  
7 testimony that that gets -- the paperwork, the  
8 letters, and things like that -- those go underneath  
9 the doors; right?

10 A. Correct.

11 Q. And those doors -- let's see here. Let's  
12 show you Defendants' E-8.

13 Technical difficulties.

14 While we're working on this, Mr. Urquiza,  
15 let me ask you something. There is a door that  
16 connects from the blue pod to the yellow pod on the  
17 upper tier; right?

18 A. Right.

19 Q. And there is a door that connects from the  
20 blue pod to the yellow pod in the lower tier; right?

21 A. Yes.

22 Q. And you were communicating with Mario  
23 Rodriguez?

24 A. Bottom door.

25 Q. Through the bottom door.

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1 A. Yes, sir.

2 Q. Did you ever communicate with him through  
3 the top door?

4 A. No.

5 Q. All right. And when the paperwork, the  
6 Javier Molina paperwork, that you say was passed  
7 under the door -- was that passed under the top door  
8 or the bottom door?

9 A. Bottom door. There is a gap. There's a  
10 good two-inches gap under the door. You can pass  
11 whatever. You can pass soup. A lot of stuff you  
12 can pass underneath the door.

13 Q. Pass shanks?

14 A. Shanks, everything.

15 Q. There is a big enough gap for that?

16 A. Yes.

17 Q. Let me make sure I understand the history  
18 of your cooperation, Mr. Urquiza. On February 24,  
19 you met with Mr. Acee for the first time; right?

20 A. Yes, sir.

21 Q. And at that point in time you hadn't been  
22 charged with anything related to the federal case;  
23 right?

24 A. No.

25 Q. You heard about it?

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1 A. Yes.

2 Q. You knew some rumors about it?

3 A. Yes.

4 Q. But you hadn't been charged?

5 A. No.

6 Q. And when you spoke to Agent Acee, you told  
7 him that you knew about specific things related to  
8 the Javier Molina homicide; right?

9 A. Correct.

10 Q. And by the way, this is February 24, 2017?

11 A. Um-hum.

12 Q. Yes, sir?

13 A. Yes.

14 Q. So after you had this conversation with  
15 Rudy Perez in the transport van that you talked  
16 about; right?

17 A. Yes.

18 Q. So on February 24, you told Mr. Acee, "I  
19 know about seven different things related to the  
20 Javier Molina homicide." Do you remember that?

21 A. More or less, yes.

22 Q. Well, it's not more or less. It's  
23 actually seven.

24 A. Yes, I do.

25 Q. Okay. And none of those seven items

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1 included any knowledge about where the shank or  
2 shanks came from that were used on Javier Molina;  
3 true?

4 A. No, actually, I did tell him about Rudy  
5 Perez. I don't know if I told him -- actually, that  
6 first day that I spoke to him, I spoke just about a  
7 few little things, because I wanted to have a lawyer  
8 with me just in case my lawyer told me not talk much  
9 or whatever. So I gave him a brief statement so he  
10 could see I was being honest. That's why it wasn't  
11 everything that it is now, because he just asked for  
12 a few questions.

13 Q. Okay. So did you or did you not tell  
14 Agent Acee on February 24, 2017, that you possessed  
15 direct knowledge about seven different things  
16 related to the Javier Molina homicide?

17 A. I guess seven. I guess. Yes, I'm sure I  
18 did.

19 Q. I don't want you to guess, sir. If I  
20 showed you Mr. Acee's report, would that refresh  
21 your recollection?

22 A. Well, yeah. I mean, I don't know. Like I  
23 didn't count, okay, there's one, there's two,  
24 there's three, there's four. I didn't do that.

25 Q. Let me ask you this. Do you agree that on

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1 February 24, 2017, when you told him that you knew  
2 things about the Molina homicide, you did not  
3 mention anything at all about Rudy Perez?

4 A. Honestly, I don't remember. Maybe I did.

5 MR. VILLA: May I approach, Your Honor?

6 THE COURT: You may.

7 BY MR. VILLA:

8 Q. Mr. Urquiza, I'm going to show you a  
9 report written by Agent Acee; right?

10 A. Yes.

11 Q. And it's dated February 24, 2017; right?

12 A. Yes.

13 Q. And he's talking about meeting with you?

14 A. Right.

15 Q. Right. And in here it says, "Urquiza said  
16 he possessed direct knowledge about the following  
17 information as it pertained to the Molina hit."

18 Did I read that right?

19 A. Yes.

20 Q. Now, how many points does he identify  
21 there?

22 A. Seven.

23 Q. Seven?

24 A. Yes.

25 Q. Will you read all seven of those to

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1 yourself, please?

2 A. Yes.

3 Q. You read them all?

4 A. Yes.

5 Q. It doesn't say anything about Rudy Perez,  
6 does it?

7 A. No, but you did just hear my statement. I  
8 also said that I did not want to speak too much  
9 until I got a lawyer, and he agreed with that, and  
10 he said, "I will provide you a lawyer and then we  
11 can continue this."

12 Q. I'm sorry. Because I thought you said,  
13 "Maybe I did tell him. Maybe I didn't. I don't  
14 remember. Maybe I could get a lawyer."

15 But I want to make sure it's not in Mr.  
16 Acee's report, anything about Rudy Perez on February  
17 24.

18 A. On February 24, it was not. But right  
19 after that, there is. A few days after that, there  
20 is.

21 Q. Because you wanted to talk to a lawyer.

22 A. Yes, I needed to talk to a lawyer. I  
23 wanted to make sure -- I've never talked to an FBI  
24 agent.

25 Q. The lawyer they got you.

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1           A.    Yes.

2           Q.    And then you had that phone call that we  
3    heard with your sister, where you talked about  
4    potentially facing life in prison or the death  
5    penalty or 20 years; right?

6           A.    Yes, sir.

7           Q.    That was before you met with Agent Acee  
8    again in March, wasn't it?

9           A.    Yes, sir.

10          Q.    And you had the phone call with your  
11    brother where you said you were facing life and they  
12    were going to charge you related to the Javier  
13    Molina homicide; right?

14          A.    Yes, sir.

15          Q.    And then you went to meet with Agent Acee  
16    on March 6; correct?

17          A.    Correct.

18          Q.    But you don't talk to Agent Acee on March  
19    6 about Mr. Perez telling you this in the transport  
20    van, did you?

21          A.    I don't recall if it was March 6 or on the  
22    next time that I talked to him. But I think I did  
23    talk to him on March 6. I'm not too sure, though.

24          Q.    Well, let me tell you this: You talked to  
25    Agent Acee about the belief that the -- where the

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1 shanks came from; that they came from -- that Mr.  
2 Perez provided them. But you didn't tell him about  
3 being on the transport van.

4 A. Yes, I told him that I spoke to Rudy Perez  
5 about it. I told him that there's three shanks. I  
6 knew there was three shanks, and one of them, I  
7 believe, came from -- I did say I believe came from  
8 Rudy Perez, because he talked to me about it in the  
9 transport van.

10 Q. You told him about the transport van in  
11 August; right?

12 A. It might have been August or March. I'm  
13 not too sure when it was, but I did tell him about  
14 it.

15 Q. I'm trying to understand if you told him  
16 in March or if you told him in August, because  
17 that's a difference.

18 A. The difference -- I can't remember if it  
19 was March 6 or August. If you show me, then I'll  
20 remember.

21 MR. VILLA: May I approach, Your Honor?

22 THE COURT: You may.

23 BY MR. VILLA:

24 Q. So Mr. Urquizo, I'm showing you a report  
25 from Agent Acee; right?

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1 A. Yes.

2 Q. March 6, 2017?

3 A. Okay.

4 Q. I'm going to jump over to page 5. And  
5 what Agent Acee wrote in here is that "When  
6 questioned about the origin of the shanks used in  
7 the Molina hit, Urquiza said Rudy Perez had supplied  
8 at least one shank, and the other one may have come  
9 from the wheelchair program." Right?

10 A. So I did tell them on March. You just  
11 said I didn't.

12 Q. I want to clarify. You told him that;  
13 right?

14 A. Yes.

15 Q. Did you tell him about any conversation on  
16 the transport van? You can read it to yourself.

17 A. It don't say -- later on, I guess I did.  
18 But I did talk to him about the transfer van.

19 MS. JACKS: We're having trouble hearing.

20 A. Later on, I did talk to him about the  
21 transport van. But I did tell him about Rudy Perez  
22 providing the shank, though.

23 Q. And you didn't tell him that it was  
24 actually Mario Rodriguez that came and took the  
25 piece from Rudy's walker; right?

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1 A. No, Mario Rodriguez never told me that.

2 Q. So you didn't know that?

3 A. No.

4 Q. You didn't tell him that Mr. Perez was  
5 scared when that happened because you didn't know  
6 that, either?

7 A. I didn't know that, either.

8 Q. But you did know, didn't you, that the  
9 more information that you provided, the more people  
10 that you helped get prosecuted, the better your  
11 sentence would be?

12 A. Earlier they asked me a question, who was  
13 I housed with. I was in W pod when this happened by  
14 myself. There was another guy by the name of Clark,  
15 Tomas Clark, and I really didn't speak to him. So  
16 there was nobody I had spoken to about anything.  
17 Nobody knew nothing whatsoever in that pod, what was  
18 going on.

19 Q. Well, you agree with me that after August,  
20 in September we heard the phone call. If you want,  
21 we can play it again. But in the phone call you  
22 talk about how the more help you give, the more  
23 people you get to cooperate, the more people that  
24 you tell them about, the more information you give  
25 them, the better you hope your sentence to be;

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1 right?

2 A. Yes.

3 Q. And so you knew that at least as of early  
4 September?

5 A. Somewhere around there.

6 Q. So I think it was your testimony, Mr.  
7 Urquiza, that you joined the SNM in 1998?

8 A. Yes, sir.

9 Q. And I think you earned your bones by  
10 stabbing somebody named Paul?

11 A. Paul Lasner, one of my -- he's from my  
12 hometown. One of my cousins had got killed by him,  
13 so that's why I did it. I asked SNM if I could do  
14 it. I wasn't actually an SNMer yet.

15 Q. But you wanted to be?

16 A. Yes.

17 Q. You wanted to be part of the gang?

18 A. Yes, sir.

19 Q. For protection?

20 A. No. Actually, they liked my style, how I  
21 was, I guess. I was young. And they liked that I  
22 guess I had the aggressive look, so they approached  
23 me. And I thought about it, and I asked my friends  
24 from Clovis if it was okay. And they told me,  
25 "Well, you seem to want to be that direction, so

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1 it's okay." So I joined.

2 Q. How long had you been in prison when you  
3 joined?

4 A. I want to say about three months, four  
5 months.

6 Q. That was the first time you went to  
7 prison?

8 A. Yes, sir. I had just turned 18 years old.

9 Q. So within three or four months of going to  
10 prison, you became part of the gang?

11 A. Yes, sir.

12 Q. And while you were part of the gang, you  
13 did a lot for them, didn't you?

14 A. Yes, sir.

15 Q. I think you testified about assaulting an  
16 inmate in 1998; right?

17 A. Yes, sir.

18 Q. Head-butting a correction officer in  
19 Hobbs?

20 A. Yes, sir.

21 Q. You did that for the gang; right?

22 A. Yes, sir.

23 Q. You possessed a shank in 1999 so that you  
24 could assault a corrections officer?

25 A. Yes, sir.

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1 Q. And the reason for that assault, I think  
2 you testified, was you wanted to get out. You guys  
3 wanted to get out of being locked down; right?

4 A. Yes, they had locked us down, yes.

5 Q. And you thought that committing this  
6 assault would help get you out of being locked down.  
7 When I say "locked down," we're talking about being  
8 in solitary confinement, not being able to leave the  
9 cell; right?

10 A. That's not what I thought. That's what  
11 the older homies thought, so I just did what they  
12 told me.

13 Q. So you did what you were told?

14 A. Yes.

15 Q. For the gang?

16 A. Yes.

17 Q. And I think you also said in 2002, again,  
18 you said it's for the gang that you shot a man in  
19 the face?

20 A. Yes, sir.

21 Q. And you tried to shoot him again, but your  
22 gun jammed?

23 A. Yes, sir.

24 Q. And then you ran from the cops; you were  
25 on a high-speed chase, and ultimately you were

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1       caught?

2       A.    Yes, sir.

3       Q.    Right. You did that for the gang.

4       A.    Yes, sir.

5       Q.    And I think in 2002 you said you assaulted  
6 a corrections officer who had disrespected you guys.

7       A.    Yes.

8       Q.    You did that for the gang, too?

9       A.    Yes, sir.

10      Q.    And in 2016, I know you said something a  
11 little bit different to your wife. But you said you  
12 got into this fight with Greg Chacon also for the  
13 gang; right?

14      A.    Over politics, yes.

15      Q.    But when Agent Acee came around in  
16 February talking to you about the death penalty and  
17 life, you switched, didn't you?

18      A.    What do you mean, I "switched"?

19      Q.    Well, March 6 you came and saw Agent Acee  
20 again, and you provided information to Agent Acee,  
21 didn't you?

22      A.    Yes, sir.

23      Q.    You joined their gang.

24      A.    Yes, sir.

25      Q.    Along with Mario Rodriguez.

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1           A.    Mario Rodriguez just barely did it  
2 recently.

3           Q.    He just joined the gang a little while  
4 ago, didn't he?

5           A.    Yeah.

6           Q.    Okay. David Calvert?

7           A.    Yes.

8           Q.    A matter of fact, you talked to David  
9 Calvert about joining their gang, didn't you?

10          A.    Yes, I did.

11          Q.    And after you had that conversation, you  
12 gave some more information to the Government, didn't  
13 you?

14          A.    No. I had talked to the Government first,  
15 and then I talked to David Calvert.

16          Q.    That's right. That's right. You talked  
17 to David Calvert, and then he joined their gang,  
18 didn't he?

19          A.    Yes.

20          Q.    Because just like when you shot that man  
21 in the face, you were going to do whatever it took.

22          A.    For the gang.

23          Q.    This gang now.

24          A.    No, this is not a gang. That is a whole  
25 totally different thing.

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1 Q. There is a whole totally different thing.  
2 This is about getting out of prison, isn't it?

3 A. No. I mean, I'm still --

4 Q. Well, let's talk about it. You're going  
5 to get -- if you get what you hope for, you can be  
6 out on the streets, in the community, a lot faster  
7 than if you were facing a life sentence for the  
8 murder of Javier Molina; right?

9 A. Yes.

10 Q. Okay. So you talked on the phone about  
11 some of the things you were facing.

12 A. Right.

13 Q. Right?

14 A. Yes.

15 Q. Death penalty, life sentence, those sorts  
16 of things; right?

17 A. Yes.

18 Q. Okay. For Javier Molina, your part in  
19 that; right?

20 A. Yes, sir.

21 Q. For Julian Romero, your part in that --

22 A. Yes, sir.

23 Q. Right?

24 A. Yes.

25 Q. And all this other stuff that we're

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1 hearing about that you did for SNM, that you say you  
2 did; right?

3 A. Yes, sir.

4 Q. Okay. So you've pled guilty to  
5 racketeering, which carries 20 years; right?

6 A. Yes, sir.

7 Q. But it's zero to 20.

8 A. I believe so.

9 Q. I don't want you to believe. It's in your  
10 plea agreement. Do you need to see it?

11 A. I don't think it says zero to 20. It says  
12 I face a maximum of 20 years.

13 Q. So there is no minimum.

14 A. No, it don't say minimum, no. It says a  
15 maximum 20 years.

16 Q. There is no minimum amount of time that  
17 you're facing.

18 A. I don't know. It doesn't say.

19 Q. Okay. So what you talked about on the  
20 phone and what you've testified here is that the  
21 more you do, the lesser of the sentence you're  
22 hoping to receive.

23 A. Yes, sir.

24 Q. Right?

25 A. Right.

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1           Q.    And that sentence is going to be, as you  
2 told Mr. Lowry, concurrent to the time you're doing  
3 for the State; right?

4           A.    Hopefully, yes, sir.

5           Q.    Okay. Not hopeful. It says it in your  
6 plea agreement.

7           A.    It says that. But the Court still has to  
8 approve that.

9           Q.    Okay. But you're up here hoping the Court  
10 approves it, aren't you?

11          A.    Yes, sir.

12          Q.    So if the Court approves it, and you get a  
13 sentence, say, on the order of -- well, let me back  
14 up. I think there was some confusion about how much  
15 you owe the State, somewhere between nine and, like,  
16 15 years; right?

17          A.    Yes, sir.

18          Q.    So you don't know when you're going to get  
19 released?

20          A.    I still don't know exactly. No, we're  
21 still trying to figure it out. Don't know.

22          Q.    So no matter what happens in this case,  
23 you're going to do nine to 15 years in the state;  
24 right?

25          A.    Yes, sir.

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1           Q. And if you didn't have that agreement in  
2 your plea to concurrent sentence, the default is a  
3 consecutive sentence for this federal case, isn't  
4 it?

5           A. I believe so, yes.

6           Q. Okay. So then you do your nine to 15  
7 years, and then you do another set of years for what  
8 you pled guilty to in this case; right?

9           A. Yes, sir.

10          Q. But because of the agreement the  
11 Government gave you, it's concurrent. So you do the  
12 time at the same time; correct?

13          A. Right.

14          Q. So if you get a better deal than what you  
15 owe the State -- let's say you owe the State 10  
16 years. Let's pick that number, because I know  
17 you're confused and there's some stuff up in the  
18 air. If you get 10 years in the federal sentence,  
19 then you're just doing 10 years that you already  
20 have to do to the state; right?

21          A. Right.

22          Q. So for everything that I just went over,  
23 everything that you did, you don't do a day in jail  
24 for it, do you?

25          A. I guess not.

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1 Q. I guess not.

2 MR. VILLA: No further questions.

3 THE COURT: Thank you, Mr. Villa.

4 Ms. Jacks, do you have further questions  
5 of Mr. Urquiza?

6 MS. JACKS: I do, Your Honor.

7 THE COURT: Ms. Jacks.

8 CROSS-EXAMINATION

9 BY MS. JACKS:

10 Q. Mr. Urquiza, we've met before, haven't we?

11 A. Yes, ma'am, we have.

12 Q. Back in May of 2016, I came, along with an  
13 investigator, Chris Filipiak, to PNM to talk to you  
14 about this case, didn't I?

15 A. Yes, ma'am.

16 Q. And unlike the Government, I didn't come  
17 offering money or time off your sentence, did I?

18 A. No, but you did tell me something  
19 different, though.

20 Q. We came, Mr. Filipiak and I, to talk to  
21 you about the accusations that the Government had  
22 made that you brought paperwork down to Southern New  
23 Mexico Correctional Facility right before the Molina  
24 homicide; right?

25 A. Right.

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1 Q. And you didn't have to talk to us, did  
2 you?

3 A. No.

4 Q. I mean, you were free to walk away; right?

5 A. Yeah.

6 Q. And you agreed to talk to us.

7 A. Yes.

8 Q. And you agreed to talk to us because we  
9 were coming on behalf of Mr. Sanchez, somebody that  
10 you told us you respected?

11 A. Yes.

12 Q. Somebody that you told us was a good  
13 listener, who didn't take sides.

14 A. Yes.

15 Q. Somebody who you told us was wise and had  
16 been in custody a long time.

17 A. Yes.

18 Q. Somebody who you told us you respect,  
19 because of the way he carries himself.

20 A. Yes, ma'am.

21 Q. And somebody who you told us the inmates  
22 look up to because of the way he conducts himself in  
23 prison.

24 A. Yes, ma'am.

25 Q. And how long did we sit there and talk?

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1 A. An hour? I'm not too sure.

2 Q. More than an hour; right?

3 A. Two hours.

4 Q. And we were in a -- where did we meet?

5 A. In the South facility.

6 Q. I mean where, physically, did you and Mr.  
7 Filipiak and I sit down and talk?

8 A. I'd say where one of the caseworkers'  
9 offices is at.

10 Q. And there was a guard outside the door?

11 A. Yes, ma'am.

12 Q. But he allowed us to close the door --

13 A. Yes, ma'am.

14 Q. -- and speak candidly with each other?

15 A. Yes.

16 Q. Now, during that conversation, when we  
17 told you that the Government had made a claim that  
18 you brought paperwork down to Southern New Mexico  
19 Correctional Facility, do you remember what your  
20 reaction -- let me go back. When we told you that  
21 the Government had made this claim that you brought  
22 paperwork down just before the Molina homicide when  
23 you were transported with Mauricio Varela, do you  
24 remember what your reaction was?

25 A. Yeah.

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1 Q. What?

2 A. I was like, oh, like, I didn't know what  
3 to say.

4 Q. You actually laughed, didn't you?

5 A. I laugh a lot, though. That's something I  
6 do. I don't know why.

7 Q. Well, in this particular instance, you  
8 laughed and you told us that that was impossible,  
9 didn't you?

10 A. Yes, I did tell you that.

11 Q. And you went on to explain how that  
12 transportation process worked and why it was  
13 impossible. Do you remember that?

14 A. Yes.

15 Q. And I guess I just want to step through  
16 that a little bit at a time. So we talked in detail  
17 that day about what happened when you were  
18 transported from the Penitentiary of New Mexico to  
19 Southern New Mexico Correctional Facility; right?

20 A. Right.

21 Q. And did you start off by explaining what  
22 happens physically to your person prior to  
23 transport?

24 A. Yes, ma'am.

25 Q. And what did you tell us?

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1           A. I told you that they search us first.  
2 Then they pick up all our property, put it together.

3           Q. Let's break that down a minute. Let's  
4 just start, first of all, with your person. So you  
5 told us that they searched you.

6           A. Yes, you go to a strip cage, and they  
7 strip search you, make sure you don't have no  
8 contraband on you.

9           Q. You're talking fast. And I told you that,  
10 too. So I'm going to slow you down a little bit.

11          A. Okay.

12          Q. So you told us they take you to a strip  
13 cage --

14          A. Yes, ma'am.

15          Q. -- and make you take off all your clothes.

16          A. Yes.

17          Q. And you actually give those clothes back  
18 to the prison guards; right?

19          A. Yes, ma'am.

20          Q. And then you told us that once you're  
21 naked, they search your body and some of your body  
22 cavities; right?

23          A. You've got to turn around and cough, make  
24 sure you don't have nothing, stuff back there, yeah.

25          Q. Right, because sometimes inmates transport

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1 things in their rectum.

2 A. Yes, ma'am.

3 Q. So they want to make sure before you are  
4 transported that you don't have anything there.

5 A. Yes, ma'am.

6 Q. And then what do they give you to put on  
7 while you ride in the transport van?

8 A. Now, they give you a white suit. But I  
9 went in my greens that time -- no, my yellows.

10 Q. Did you tell Mr. Filipiak and me on May  
11 25, 2016, that after they stripped you, they let you  
12 keep your boxers on, and they put you into a white  
13 jumpsuit?

14 A. I don't remember telling you that.

15 Q. You've seen those white jumpsuits; right?

16 A. Yeah, they do that now.

17 Q. And you've worn those before; right?

18 A. Yes.

19 Q. And that's like a disposable white  
20 jumpsuit?

21 A. Yes, see-through.

22 Q. That's -- I don't know how you can  
23 describe the material.

24 A. Some kind of fiber. I don't know. But  
25 yeah, I know what you're talking about.

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1 Q. And so you don't remember telling Mr.  
2 Filipiak and me that that's what they gave you, a  
3 white jumpsuit?

4 A. I thought it was my yellows I went in.  
5 But maybe it's a possibility I did tell you that.  
6 I'm not too sure.

7 Q. Really, the issue is: Is that what you  
8 wore, a white jumpsuit?

9 A. I'm not too sure. I don't think so. I  
10 think it was my yellows.

11 Q. Would you agree with me on this point?  
12 Whatever you wore, it was something they gave you  
13 specifically to wear on that transport?

14 A. Yes, yes.

15 Q. After they took the clothes that you had  
16 been wearing.

17 A. Yes.

18 Q. And that's just in case you had secreted  
19 some sort of -- I don't know -- contraband in your  
20 clothes somehow, in the seams of your clothes?

21 A. Yeah, I guess, yes.

22 Q. Then did you talk to us about what  
23 happened to your property, your personal property?

24 A. Um-hum, yes.

25 Q. Prior to the transport?

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1       A. Yeah. They put it all together, and they  
2 put it in the bag, and then we took it.

3       Q. Okay. Let's just break that down a bit,  
4 okay. So when they told you you were going from the  
5 Penitentiary of New Mexico down to Southern and it's  
6 the day of the transport, what did you physically do  
7 with the personal property in your cell?

8       A. Actually, I did ask for -- they gave us,  
9 like, two bags. I put everything inside two bags.  
10 And then the officer escorted me to the strip cage.  
11 And that's when he stripped me. And then he got my  
12 bag -- my two bags, and took it with us.

13       Q. Okay. Well, did the officer do something  
14 with your bags of property before he put it into the  
15 transport?

16       A. Well, no. Actually, they were supposed to  
17 inventory it. But no, they didn't inventory it.

18       Q. Your testimony today is that they did not  
19 inventory it?

20       A. No. I think they just got a paper and  
21 just wrote down things on it. I don't think they  
22 inventoried it.

23       Q. Let me go back, okay? Because I want to  
24 talk to you about what you told Mr. Filipiak and me.

25       A. Okay.

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1       Q.   Did you tell us that, in fact, that once  
2 you got your property together, you gave it to an  
3 officer who went through it to make sure that you  
4 were transporting only the items that you were  
5 allowed to transport?

6       A.   Yeah.

7       Q.   Okay. And did you tell us that he  
8 prepared an inventory of that property?

9       A.   That's a possibility. But, yes, they  
10 write down the stuff. They don't go through your  
11 stuff, actually. They just pretty much ask you,  
12 "What's in your bag?" They don't want to go through  
13 all the hassle. They just like, "What's in your  
14 bag?" and they start marking things down.

15      Q.   Did you tell us that the officer went  
16 through your things and placed them in a clear  
17 plastic bag so it could be transported down to  
18 Southern?

19      A.   No, I placed the stuff myself in the clear  
20 plastic bag, two bags.

21      Q.   And did you tell us that the officer that  
22 searched your property actually prepared a report  
23 and confirmed that you were not attempting to  
24 transport any contraband?

25      A.   They don't ever do that.

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1 Q. You're saying you didn't tell us that?

2 A. No, I mean honestly, when I talked to you,  
3 I mean, I was still on that side, so I was --

4 Q. Mr. Urquiza, there is no pending question,  
5 so you'll need to wait for me to ask the next  
6 question. Do you understand?

7 A. Yes.

8 Q. Thank you.

9 Now, the day that you met with Mr.  
10 Filipiak and me, you were describing the transport  
11 process, did you describe to us how you were  
12 transported down to Southern and how your property  
13 was transported?

14 A. Yes.

15 Q. And what did you tell us about that?

16 A. I told you they put me and Mauricio Varela  
17 in a van and they put our property in a little  
18 trailer. They have a little trailer that's on the  
19 van. And that's where they put my stuff.

20 Q. So you told us they actually transport the  
21 inmates separate from the inmates' property?

22 A. Yeah. Well, they have the trailer in the  
23 back. So I guess it's separate.

24 Q. And you described how there was a trailer  
25 that was actually hitched onto the back of the van

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1 that was towed behind the van as the van drove  
2 around transporting inmates?

3 A. Correct.

4 Q. And did you have -- did you tell us that  
5 during the transport, you had no access to your  
6 property?

7 A. Yes.

8 Q. And that was true; right?

9 A. That's true.

10 Q. When you left the Penitentiary of New  
11 Mexico, did you go directly to Southern New Mexico  
12 Correctional Facility? And this would be on the  
13 transport on March 6, 2014.

14 A. Yes, ma'am.

15 Q. You went directly there?

16 A. Yes.

17 Q. Are you sure?

18 A. I think so.

19 Q. Did you tell Mr. Filipiak and me that you  
20 were in the van for quite a while and the van made  
21 several stops between the Penitentiary of New Mexico  
22 and Southern New Mexico Correctional Facility?

23 A. It's a possibility. Usually -- actually,  
24 they do that sometimes. So possibility. I don't  
25 know exactly where we stopped. Those vans don't

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1 have no windows or nothing, so --

2 Q. And that wasn't my question. My question  
3 was: Did you go directly, or did you stop?

4 A. Oh, man. We probably stopped. Yeah, we  
5 stopped.

6 Q. And you told that to Mr. Filipiak and me;  
7 right?

8 A. I guess.

9 Q. And that was the truth?

10 A. What?

11 Q. That you made stops; you didn't go direct.

12 A. Yes, I guess. I can't remember.

13 Q. What time did you get to Southern New  
14 Mexico Correctional Facility; do you remember?

15 A. It was nighttime, probably close to 8:00,  
16 somewhere around there.

17 Q. And that's what you told Mr. Filipiak and  
18 me back in May of 2016; right?

19 A. Yes.

20 Q. And that was the truth?

21 A. Yes.

22 Q. And what happened when you got to Southern  
23 New Mexico Correctional Facility, to you personally?

24 A. Went through the medical procedures. They  
25 check you, make sure you're okay, and then we got

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1 our new clothes; we got some greens, and our  
2 beddings and all that. And after that, they took us  
3 to a housing unit.

4 Q. Let me stop you there. When you got off  
5 the van and you went to medical and you got new  
6 clothes and that sort of thing, were you subjected  
7 to yet another strip search?

8 A. Actually, they didn't do a strip search  
9 there, no.

10 Q. At no point between the time that you  
11 arrived at Southern and the time that you were  
12 placed in your cell were you strip-searched?

13 A. No. They're supposed to, but we didn't  
14 get strip-searched.

15 Q. On May 25, 2016, did you tell Mr. Filipiak  
16 and me that when you got to Southern, you were  
17 strip-searched for the second time that day before  
18 you were placed in your cell?

19 A. I do not recall if I told you that or not.

20 Q. And as you sit there today on the witness  
21 stand, is it your testimony that you have a specific  
22 recollection that, in fact, you were not  
23 strip-searched at Southern? Or are you just saying  
24 that?

25 A. I can't remember. I mean, man, I've been

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1 stripped so many times, I'm not sure. But it's a  
2 possibility. Probably, yes.

3 Q. Probably yes, you were strip-searched?

4 A. Probably, yes.

5 Q. So if you told this to Mr. Filipiak and me  
6 back in May of 2016, that was the truth?

7 A. I mean, I think there are a lot of things  
8 that you're asking right now that I don't think I  
9 said. I think you're just telling me things that I  
10 don't remember saying.

11 Q. We'll get to that in a minute, Mr.  
12 Urquiza.

13 A. Yeah.

14 Q. So once you got to Southern New Mexico  
15 Correctional Facility and you were placed in a cell,  
16 did you describe -- did you undergo a process that  
17 you call orientation or that the prison calls  
18 orientation?

19 A. Yes.

20 Q. And when you spoke to Mr. Filipiak and me  
21 back in May of 2016, did you describe to us what  
22 orientation was?

23 A. Yes.

24 Q. Can you tell us here what it is?

25 A. You go to your cell and you're locked down

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1 for, like, seven days. You've got to see the  
2 caseworker, mental health, STIU, make sure you have  
3 no problems with nobody in the pod. And they get  
4 you, so you get to meet everybody and once they see  
5 that everything is okay, within seven days they let  
6 you out.

7 Q. Okay. Are you held in your cell the whole  
8 seven days, or are you permitted out to take a  
9 shower or to have some sort of tier time, like make  
10 a telephone call?

11 A. Yes, permitted to come out to take a  
12 shower.

13 Q. Okay. And when -- during orientation when  
14 you come out to take a shower, where are the other  
15 inmates at that time?

16 A. In my pod, they get locked down.

17 Q. So what would happen is, if you were going  
18 to shower, everybody would have to lock up, and then  
19 you would be let out to shower?

20 A. Correct.

21 Q. So during orientation, you don't have  
22 physical contact with other inmates in the housing  
23 pod?

24 A. No.

25 Q. Okay. But you can -- either they can talk

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1 to you through your cell door?

2 A. Yes.

3 Q. Is that right?

4 A. Yes.

5 Q. Or you can talk to them when you're out on  
6 the tier taking a shower, whatever, through their  
7 cell door.

8 A. Yes.

9 Q. When you got to Southern New Mexico  
10 Correctional Facility after the transport on March  
11 6, 2014, and you were brought in to yellow pod, was  
12 the pod locked down?

13 A. When I went into yellow pod?

14 Q. Right.

15 A. Yes.

16 Q. So everybody was locked in their cell?

17 A. In yellow pod, yes.

18 Q. And then you were walked to the cell that  
19 was assigned to you?

20 A. No. The CO was searching the cell when I  
21 went to the door to talk --

22 Q. That wasn't my question. You already  
23 testified to that. But my question was: Once you  
24 got there, you were locked into cell 110; right?

25 A. Not right away, no.

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1           Q.    Okay.  Well, at some point were you locked  
2 into cell 110?

3           A.    Yes.

4           Q.    And when you were locked into cell 110,  
5 was the rest of yellow pod still locked down into  
6 their cell?

7           A.    Yes, but they let out the porters to  
8 clean.

9           Q.    So let's go back a second.  I want to  
10 flesh that out.  But let's just go back a second.  
11 At the time that you were put into cell 110 -- this  
12 is on March 6, the day before the Molina homicide --  
13 and the door was closed -- approximately -- and I'm  
14 asking you -- just approximately what time was that?

15          A.    I don't know, maybe 9:30, 10:00.  I'm not  
16 too sure.

17          Q.    So 9:30 or 10:00 at night?

18          A.    Yes.

19          Q.    And the rest -- we're going to get to the  
20 porters in a second.  But the rest of the unit was  
21 locked down into their cell at that point?

22          A.    Except the porters.

23          Q.    I'm going to get to that.  But aside from  
24 the porters, the rest of the unit was locked down?

25          A.    Yes.

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1 Q. And after you got locked into your cell  
2 around 9:30 or 10:00 p.m., you're saying the porters  
3 got released.

4 A. Yes.

5 Q. And is that one inmate or two inmates?

6 A. Two inmates.

7 Q. And the porters' job is to clean up?

8 A. In the pod, yes.

9 Q. At any point after you got locked into  
10 your cell on March 6 of 2014, did other inmates  
11 besides the porters get let out of their cells?

12 A. In my pod?

13 Q. Yes.

14 A. No.

15 Q. So yellow pod, once you entered that cell,  
16 it remained locked down for the night?

17 A. Yes, ma'am.

18 Q. And did you tell that to Mr. Filipiak and  
19 me back in May of 2016?

20 A. Probably.

21 Q. What happened to your property? And I'm  
22 talking about on March 6.

23 A. I stayed in the front, in the intake,  
24 because the property officer was gone.

25 Q. Okay. So the van pulls in with the

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1 trailer behind it down at Southern, and the inmates  
2 are taken out of the van?

3 A. Correct.

4 Q. Do you see what happens to your property?  
5 I mean, did you see your property being removed from  
6 the trailer?

7 A. Yes. They put all our property inside of  
8 a cage and locked it.

9 Q. And you observed that.

10 A. Yes.

11 Q. And based on your experience in the prison  
12 system being transported around, you know that you  
13 can't get your property back until the property  
14 officer comes in the next day or whenever he comes  
15 in.

16 A. Correct.

17 Q. And searches the property and brings it to  
18 you?

19 A. Yes.

20 Q. And did you tell that to Mr. Filipiak and  
21 me back in May --

22 A. Yes.

23 Q. -- 2016?

24 A. I think so, yes.

25 Q. Was that the truth?

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1 A. Yes.

2 Q. So I want to go to the next morning, which  
3 would be March 7 of 2014. So when you woke up that  
4 morning, can you tell me -- just sort of describe to  
5 me where people were in your pod, in yellow pod.

6 A. As soon as we got up, I mean, everybody  
7 came to -- not everybody, but Carlos Herrera, Dale  
8 Chavez, Juanito Mendez -- they all came to my cell  
9 right away, and I started talking to them through  
10 the door.

11 Q. So other inmates were released to go do  
12 whatever they wanted to do. They were released from  
13 their cells.

14 A. Yes, ma'am.

15 Q. And you remained locked in your cell.

16 A. Yes.

17 Q. And how long on March 7, 2014, did you  
18 stay locked in your cell until you were first  
19 released?

20 A. All day long.

21 Q. At some point were you let out?

22 A. To take a shower for the afternoon count.

23 Q. So what time were you released from your  
24 cell on March 7 to take a shower?

25 A. It was like 4:00 or 5:00 when the count --

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1 before the Javier Molina happened, before that  
2 murder happened.

3 Q. So give us your best recollection.

4 A. I want to say 4:00 or 5:00. Somewhere  
5 around there.

6 Q. And in fact, you told Mr. Filipiak and me  
7 the same thing; it was somewhere around 4:00 or 5:00  
8 p.m. on March 7 that you got to be released for the  
9 first time from your cell on March 7.

10 A. Yes.

11 Q. And that was for the purpose of showering.

12 A. Yes.

13 Q. And was it still the case that in order  
14 for you to be released to take a shower, the whole  
15 pod had to be locked down?

16 A. Yes.

17 Q. Now, when you were transported from --  
18 when you got to Southern, you weren't the only  
19 inmate that was dropped off there; right?

20 A. No.

21 Q. Were there two other inmates with you?

22 A. Yes, Marcelino Varela and Reynaldo  
23 Enriquez.

24 Q. And did both of those inmates also get  
25 housed in yellow pod?

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1 A. Yes, ma'am.

2 Q. So did the rules about orientation also  
3 apply to both of those inmates?

4 A. Yes.

5 Q. Were they also locked in their cells from  
6 when they got there on March 6 through the late  
7 afternoon of March 7, 2014?

8 A. Yes.

9 Q. And when you got out to shower, how long  
10 were you let out to do that?

11 A. Five, ten minutes. I don't know. I was  
12 out there maybe ten minutes, maybe.

13 Q. You had time to tend to your business and  
14 walk back up?

15 A. Yeah. Talked to a few people in lockup,  
16 yes.

17 Q. And did that also happen for Mr. Varela  
18 and Mr. Enriquez, the other two inmates?

19 A. Yes.

20 Q. Were they also let out one at a time to  
21 shower?

22 A. First it was Reynaldo Enriquez. Then it  
23 was Varela, and me.

24 Q. So you were the last one?

25 A. Yes, ma'am.

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1 Q. And when those two guys were let out one  
2 at a time to shower, the whole pod stayed on  
3 lockdown?

4 A. Yes.

5 Q. Did you eat dinner on March 7 of 2014?

6 A. In 2007?

7 Q. March 7. So the day of the Molina  
8 homicide.

9 A. Yes. They had just passed the dinners,  
10 yes.

11 Q. Did you eat dinner locked in your cell?

12 A. I didn't even get to eat dinner. That's  
13 exactly when it happened.

14 Q. Okay. So were you handed your dinner?

15 A. Yes.

16 Q. Okay. So your dinner had been passed to  
17 you in your cell, but you didn't have time to eat  
18 it?

19 A. No.

20 Q. And did the other inmates in yellow pod  
21 also get passed their dinner in their cells that  
22 day?

23 A. Yes.

24 Q. Now, when Mr. Beck was asking you  
25 questions -- let me just go back. What is your

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1 story today about when you got your property back,  
2 if you did?

3 A. What is my story?

4 Q. What are you testifying to?

5 A. I'm testifying to the truth. And the  
6 truth is that on March 7, I got my property around  
7 11:00.

8 Q. And your testimony is that you got your  
9 property around 11:00 in the morning.

10 A. Yes, ma'am.

11 Q. On March 7.

12 A. Yes.

13 Q. And that's what you said yesterday when  
14 Mr. Beck asked you the question.

15 A. Yes.

16 Q. Okay. That's not what you told Mr.  
17 Filipiak and me back in May of 2016, is it?

18 A. Yes, it is.

19 Q. It's not -- you think it is?

20 A. I know it is. I know I said that.

21 Q. Let me just ask you this question. Did  
22 you tell Mr. Filipiak and me back on May 25, 2016,  
23 that while you were locked up, your property was  
24 placed in the day room, but that you never had a  
25 chance to get it back because Mr. Molina was killed?

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1           A.    No.  No, I did not say that.

2           Q.    And did you tell Mr. Filipiak and me on  
3 May 25, 2016, that what we ought to do is look for  
4 your property inventory forms, because what your  
5 property inventory forms would show is that your  
6 property was inventoried at PNM prior to the  
7 transport and that there was no inventory at  
8 Southern after the transport?

9           A.    I'm not sure.

10          Q.    So you might have told us that?

11          A.    I might have told you that.  But actually,  
12 there was an inventory sheet in Southern.  They  
13 actually did inventory my stuff on March 7.  There  
14 is an inventory.

15          Q.    Mr. Urquiza, there is no question pending.

16           MS. JACKS:  Your Honor, I'd ask that that  
17 outburst be stricken.

18           THE COURT:  It will be stricken from the  
19 record.

20 BY MS. JACKS:

21          Q.    Now, when Mr. Filipiak met with you in May  
22 2016, that was the first time -- after you told us  
23 that, did we say, "Oh, darn, we didn't bring a  
24 release.  We don't have a form for you to sign to  
25 let us examine your records."  Do you recall that?

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1 A. Yes.

2 Q. And then about two weeks later Mr.  
3 Filipiak came back; right?

4 A. Right.

5 Q. And when he came back, he really came back  
6 for two reasons, didn't he?

7 A. Yes.

8 Q. He came back, Number 1, to go over the  
9 statement that he had prepared to let you look at it  
10 and let you make any corrections; right?

11 A. He didn't go over it, though.

12 Q. That's your testimony today. I'm asking  
13 you, did he come back and discuss with you and show  
14 you the prior -- the statement form that he had  
15 filled out?

16 A. He told me he typed out whatever we had  
17 talked about. That's what he told me.

18 Q. He went over with you what he had typed  
19 out about what we had talked about about two weeks  
20 prior?

21 A. We didn't go over it. He just told me  
22 what he had typed out.

23 Q. Did he show it to you?

24 A. He had it, and I told him, "That's all  
25 good." I didn't even look at it.

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1           Q.    So he handed it to you and he asked you to  
2 look at it; right?

3           A.    Yes.

4           Q.    And you looked at it.  Nobody was rushing  
5 you; right?

6           A.    I did not look at it.  I said, "It's all  
7 good."

8           Q.    That's what you're saying now, but my  
9 question is:  Did you look at it?

10          A.    No.

11          Q.    You didn't look at it at all?  He offered  
12 it to you, and you just shoved it back in his face  
13 and said, "I don't care"?

14          A.    No, I just told you I said it was all  
15 good.

16          Q.    Okay.  "It's all good," meaning it's  
17 accurate.  You told him that; right?

18          A.    I figured it was.  I mean, I talked to you  
19 guys.

20          Q.    And the second thing he did was, he asked  
21 you to sign a release so that we could access your  
22 property records; right?

23          A.    Correct.

24           MS. JACKS:  Your Honor, I have a document.  
25 I'd like this marked defense next in order.  That is

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1 ER.

2 Q. I'm going to mark it and ask you to take a  
3 look at it, Mr. Urquizo.

4 MS. JACKS: May I approach, Your Honor?

5 THE COURT: You may.

6 BY MS. JACKS:

7 Q. So Mr. Urquizo, showing you what's been  
8 marked as Defendants' Exhibit ER, do you recognize  
9 that form?

10 A. Yes, I do.

11 Q. And is that, in fact, the original of the  
12 release that Mr. Filipiak came back and asked you to  
13 sign?

14 A. I think it's the original. That's my  
15 writing, so it has to be the original.

16 Q. It's in pen; right? You're writing --  
17 it's not a xerox copy, is it?

18 A. Yes.

19 Q. So is that, in fact, the release you  
20 signed to give us access to those records?

21 A. Yes.

22 Q. Okay.

23 MS. JACKS: Your Honor, I ask that ER be  
24 admitted.

25 MR. BECK: No objection, Your Honor.

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1                   THE COURT: Any objection from any of the  
2 other defendants?

3                   MS. BHALLA: No, Your Honor.

4                   THE COURT: Not hearing any, Defendants'  
5 Exhibit ER will be admitted into evidence.

6                   (Defendants' Exhibit ER admitted.)

7                   MS. JACKS: And Your Honor, can I publish  
8 this to the jury?

9                   THE COURT: You may.

10 BY MS. JACKS:

11                  Q. The date that you signed that was June 15,  
12 2016?

13                  A. Yes, ma'am.

14                  Q. And the reason you signed that was to help  
15 us corroborate what you were telling us, that you --  
16 that you never got -- I'm sorry, that you didn't  
17 transport paperwork and that you never got your  
18 property when you were down in Southern.

19                  A. That I never got my property?

20                  Q. Yeah. When you signed this, that was the  
21 reason you signed it; right?

22                  A. No, it was for an inventory sheet.

23                  Q. Right. So that we could get your property  
24 inventory forms.

25                  A. I never said I never got my property.

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1 Q. That's your testimony today; right? But  
2 you signed this to help us corroborate what you were  
3 telling us, that it was impossible that you did not  
4 transport the paperwork.

5 A. No, you wanted to look through all my  
6 phone calls and letters and stuff like that, so I  
7 signed that paper.

8 Q. Well, that's not true.

9 A. That's very true.

10 Q. Mr. Urquizo, at some point when you were  
11 housed at PNM North, after the Molina homicide, did  
12 you actually see paperwork that Jerry Montoya had  
13 while he was fighting the state murder charges?

14 A. Did I see paperwork?

15 Q. Yes.

16 A. Yeah, I did see a little bit, yes.

17 Q. But let's just break this down a little  
18 bit. Jerry Montoya is one of the people that was  
19 accused of stabbing Mr. Molina; right?

20 A. Correct.

21 Q. And he was charged in state court with  
22 that murder?

23 A. Yes.

24 Q. And while he was fighting his murder case  
25 in state court, he was housed in the same pod as you

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1 at PNM North, wasn't he, at least for some period of  
2 time?

3 A. Yes. About a month or so, yes.

4 Q. And Jerry Montoya had access to some of  
5 the police reports and discovery documents and  
6 witness statements related to the Molina homicide  
7 because his lawyer had given them to him; right?

8 A. Yes.

9 Q. And he was fighting his case.

10 A. Yes.

11 Q. And at some point did Jerry Montoya  
12 provide you with access to that paperwork?

13 A. Parts of it.

14 Q. And is it by reading Jerry Montoya's legal  
15 paperwork that you discovered for the first time  
16 that you were being accused of bringing it down or  
17 the prosecution was alleging you were the one that  
18 brought it down to Southern?

19 A. No. Actually, the paperwork didn't say  
20 nothing about me.

21 Q. Did you tell Mr. Filipiak and me in May of  
22 2016 that that's exactly how you first found out  
23 that the prosecution was alleging you brought the  
24 paperwork?

25 A. No, that's not. I found out about the

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1 paperwork that was sent to 2-A K pod. That's how I  
2 found out, RICO indictments. And that was sent to  
3 Ron Ron --

4 Q. I'm sorry, there is no question pending.

5 Mr. Urquiza, did you just hiss?

6 A. Did I what?

7 Q. Did you just hiss?

8 A. What do you mean, did I just hiss? No, I  
9 didn't.

10 Q. Mr. Urquiza, did you tell Mr. Filipiak and  
11 me that when you read Jerry Montoya's legal  
12 paperwork, you realized that it contained false  
13 statements, that you passed it under the door of  
14 yellow pod to blue pod to Timothy Martinez?

15 A. No.

16 Q. You didn't say that?

17 A. No. That paperwork said nothing.

18 Q. And did you tell Mr. Filipiak and me that  
19 you never saw or possessed any paperwork on March 6  
20 and 7, 2014?

21 A. I straight lied to you guys about that.

22 Yes, I did.

23 Q. So you did tell us that, but now you're  
24 saying that's a lie?

25 A. Well, at that time, I mean, I wasn't

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1 helping --

2 Q. Excuse me. That's a yes-or-no question,  
3 Mr. Urquiza.

4 A. At that time, yeah.

5 Q. Did you tell us that?

6 A. At that time, I did say that.

7 Q. Okay. So you did tell us that you never  
8 saw or possessed the paperwork. That's what you  
9 said back in May of 2016.

10 A. I lied to you guys, yes.

11 Q. And now your testimony is that was a lie?

12 A. That I lied to you guys about that, yes.

13 Q. When you met with Mr. Filipiak and me back  
14 in May of 2016, did you also tell us or give us a  
15 suggestion about what we could do to investigate the  
16 case to show that the paperwork wasn't passed?

17 A. I don't recall.

18 Q. Do you recall telling us anything about  
19 video from blue pod and yellow pod?

20 A. Oh, yes. Yeah.

21 Q. What did you tell us?

22 A. That if you check the cameras, you could  
23 see; but if you check the cameras, yeah.

24 Q. You told us, in fact, that if we got the  
25 video from blue pod and the video from yellow pod

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1 for March 7 of 2014, it will show that you were  
2 telling us the truth, that there was no paperwork  
3 passed; right?

4 A. I probably told you guys that.

5 Q. In that discussion with us back in May of  
6 2017, you also told us that you had told law  
7 enforcement that. Do you remember?

8 A. That I had told law enforcement?

9 Q. Yeah.

10 A. They never came to talk to me.

11 Q. Did you have a particular white gold  
12 necklace that you were fond of?

13 A. Yes. I lost a white gold necklace, yes.

14 Q. You didn't really lose it, did you? It  
15 was taken by somebody, wasn't it?

16 A. Yes. Whenever I got transported, the  
17 STIU -- they took all my belongings, and my chain  
18 was part of it.

19 Q. Did you tell us, in fact, back in May of  
20 2016, that STIU Officer Sapien pulled you in to  
21 accuse you of transporting the paperwork?

22 A. Actually, he asked me. He didn't accuse  
23 me.

24 Q. But did you tell us that?

25 A. I think so, yes.

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1 Q. Was that true?

2 A. Yes.

3 Q. And in fact, during that interview, did  
4 you tell Sapien that you did not transport the  
5 paperwork?

6 A. Of course. I was an acting SNM Gang  
7 member still.

8 Q. And did you tell us during that interview  
9 or in connection with that interview that  
10 correctional officers who escorted you over to speak  
11 with Sapien and back from speaking with him took  
12 your white gold necklace?

13 A. No, they didn't take it. No.

14 Q. That's just a lie?

15 A. No, I didn't tell you that. I lost that  
16 in the property.

17 Q. I have a few more questions about that  
18 interview. Because one of the other things we  
19 talked about back in May of 2016 was about Jerry  
20 Armenta.

21 A. Right.

22 Q. Do you remember that?

23 A. Yes.

24 Q. And Jerry Armenta was one of the people  
25 that actually stabbed Molina; right?

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1 A. Yes.

2 Q. And did you tell us something about Jerry  
3 Armenta or that -- well, did you tell us something  
4 about Jerry Armenta's daughter during our interview?

5 A. Yes, that she was disabled.

6 Q. Okay. That he had an intellectually  
7 disabled daughter?

8 A. Yes.

9 Q. And in fact, I think you said she had Down  
10 Syndrome?

11 A. Yes.

12 Q. And that Mr. Armenta was -- at the time of  
13 the Molina homicide, that Mr. Armenta didn't have a  
14 lot of time left to do on his sentence.

15 A. Right.

16 Q. Right?

17 A. Yes.

18 Q. And did you tell us that because he was a  
19 short-timer and because he had a Down Syndrome  
20 daughter that the SNM wouldn't ask Jerry Armenta to  
21 kill somebody?

22 A. No, they shouldn't have asked him to do  
23 it.

24 Q. You told us back in May 2016 that they  
25 wouldn't.

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1           A.   Shouldn't ask him.

2           Q.   All right. So I think we've been through  
3 the facts -- the sort of chain of events that led  
4 you to become a witness for the Government. And you  
5 agree that that started back in February of 2017.

6           A.   Yes.

7           Q.   And the story that you've told here in  
8 court over the past two days is different than what  
9 you told Mr. Filipiak and me; would you agree?

10          A.   No, maybe just one little part. I was  
11 doing that because I was still an active SNM Gang  
12 member, so that's why I was doing that.

13          Q.   Now what you're saying is that you  
14 actually had the paperwork and you brought it down  
15 to Southern; right? That's your story here in  
16 court.

17          A.   Everybody knows I had the paperwork.

18          Q.   That's nonresponsive. So I'm going to ask  
19 you to answer the question. That's your story here  
20 in court; right? That's a yes or no.

21          A.   No, it's been my story the whole time.

22          Q.   It hasn't been your story the whole time.  
23 You just told us that you told me and Mr. Filipiak  
24 back in May of 2016 that you had nothing to do with  
25 the paperwork.

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1       A. Not with you guys, because I didn't really  
2 want no part of it. That's why.

3       Q. Okay. Well, that was something that you  
4 said that's different, right, than what you're  
5 telling us here in court?

6       A. I wanted no part of it. That's why.

7       Q. I'm not asking you why, Mr. Urquizo.  
8 Listen to the questions. So now your story is that  
9 you brought the paperwork. So let's sort of flesh  
10 that out. Okay? According to your story here in  
11 court, you're saying you got to Southern at night on  
12 March 6.

13      A. Yes.

14      Q. And everything was locked down except the  
15 porters.

16      A. Yes.

17      Q. And that you're claiming now you got your  
18 property back.

19      A. Yeah. I got my property March 7 around  
20 11:00.

21      Q. And you're saying around 11:00 in the  
22 morning, so before lunch or --

23      A. Yes, I told you that that day, too.

24      Q. No, you didn't.

25      A. Yeah, I did.

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1 Q. Well, that's why we have Mr. Filipiak.

2 And it's also your story here in court  
3 that between the time that you got to Southern on  
4 March 6 and the time that you were returned -- you  
5 got your property back at 11:00 a.m. on March 7,  
6 there were letters being exchanged under the door  
7 between blue pod and yellow pod.

8 A. Yes.

9 Q. And I think you told us yesterday that Mr.  
10 Rodriguez, you're claiming, passed two others?

11 A. Yes.

12 Q. Or two notes?

13 A. Yes. The first night I got there, I got a  
14 letter, and then the next day.

15 Q. Okay. And were these letters written  
16 on -- what kind of paper were these letters written  
17 on?

18 A. Lined paper.

19 Q. Just like lined -- lined --

20 A. Lined white paper, yes.

21 Q. Okay. And was it a normal-sized piece of  
22 paper, or was it somehow folded up in a little ball  
23 and rolled --

24 A. Folded up like a little letter.

25 Q. And you're claiming for the first time

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1 today that Mr. Sanchez sent you a letter.

2 A. What? I didn't say that.

3 Q. When you were answering questions of Mr.  
4 Villa, he asked you some question and you said  
5 something about Daniel Sanchez sending you a letter.

6 A. I didn't say Daniel Sanchez sent me a  
7 letter.

8 Q. Maybe I misunderstood your testimony.

9 A. I didn't say that.

10 Q. So the letters that you're talking about  
11 here in court are two from Mr. Rodriguez?

12 A. Yes.

13 Q. And then one from you to Mr. Rodriguez.

14 A. One, yes.

15 Q. Is that it?

16 A. No. Two letters -- two. The same night I  
17 wrote them, when the porters came out, passed it,  
18 and the next day they sent a letter back. Two  
19 letters. I wrote two.

20 Q. So you're claiming Rodriguez wrote you  
21 two, and that you wrote Rodriguez two.

22 A. Yes, ma'am.

23 Q. You don't have those letters, do you?

24 A. No.

25 Q. And you first -- when was it that you

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1 first mentioned anything about letters going under  
2 the door between blue and yellow pod?

3 A. I believe it was like on the March -- when  
4 I went down here in Las Cruces for the debrief.

5 Q. Three years after the homicide of  
6 Mr. Molina?

7 A. I guess so.

8 Q. In March of 2017?

9 A. Yes.

10 Q. And this paperwork that you claim to have  
11 carried from PNM down to Southern, can you tell  
12 us -- Mr. Beck asked you some questions about it. I  
13 just want to make sure we get your full story of  
14 what that supposedly looked like. So is it one  
15 page, two pages, 20 pages?

16 A. Just the one page of the police report.

17 Q. It was one page?

18 A. Yes.

19 Q. And was it on -- what about it made you  
20 know that it was a police report, according to you?

21 A. It had the thing, Las Cruces Police. I  
22 don't remember exactly what it had on there, but it  
23 also had -- I want to believe it had the name of one  
24 of the defendants. I think it was Jesse Sosa, I  
25 think. And it had an address, Social Security

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1 number.

2 Q. Whose address and Social Security number?

3 A. I believe it was Jesse Sosa's. I think  
4 that was his paperwork.

5 Q. And the paper had some -- according to  
6 your story, had some sort of logo or stamp on it  
7 from the Las Cruces Police Department?

8 A. Yes, ma'am.

9 Q. And was the paper a form? Like, were  
10 there various boxes to be filled out, or was it just  
11 lined?

12 A. No, it was just -- had information. It  
13 had the police report, and it had the typing on the  
14 front of the statement, the summary.

15 Q. It had -- I'm sorry?

16 A. Like the summary of what was said that  
17 happened.

18 MR. VILLA: Your Honor, can we have just a  
19 minute? Mr. Perez has --

20 THE COURT: Well, why don't we do this:  
21 We're pretty close to lunch. Why don't we go ahead  
22 and take our lunch break. All right. All rise.

23 (The jury left the courtroom.)

24 THE COURT: All right. We'll see  
25 everybody in about an hour.

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1                   MR. VILLA: And Your Honor, can we add  
2 some things to the record before we take a break?

3                   THE COURT: Okay.

4                   MR. VILLA: So just for the record, Mr.  
5 Perez had to run off urgently to use the bathroom.  
6 I'm told that he was straining to keep his eyes open  
7 during the cross of Urquiza and when I was up here  
8 doing cross-examination, which is completely  
9 unusual. I mean, he's been completely attentive to  
10 these proceedings up until this week.

11                  From about 11:00 until just now, he's been  
12 having a very difficult time keeping his eyes open  
13 and staying awake. And I asked him if he was okay,  
14 and he told me that he's had a very severe headache,  
15 and I've requested that he be given some medication.  
16 So I think he's still struggling very mightily to  
17 attend to proceedings.

18                  THE COURT: Well, my perception is  
19 different than yours, Mr. Villa. I watched him.  
20 He's juggling the mask many, many times. So if he's  
21 sleeping, I don't know when he's sleeping. Because  
22 he's sitting there juggling that mask constantly.  
23 He's coughing, and he -- I think with some  
24 assistance with some kleenex and stuff. So if he's  
25 sleeping, I don't know when it is. He's constantly

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1 touching that mask.

2 MR. VILLA: It's not long, Your Honor.

3 He's just having a difficult time keeping himself  
4 awake. I agree with the Court, he is awake during  
5 times. It's not unconsciousness or anything. But I  
6 think it's a result of the severe headache and his  
7 illness that he's having a difficult time  
8 maintaining being awake 100 percent of the time.

9 THE COURT: Okay. Let's see if we can get  
10 him some medicine for his headache.

11 All right. See y'all in about an hour.

12 (Court stood in recess.)

13 THE COURT: All right. We'll go on the  
14 record. Anything anybody needs to bring up before  
15 we bring the jury in? From the Government? Mr.  
16 Castellano?

17 MR. CASTELLANO: No, Your Honor.

18 THE COURT: I added one more thing that I  
19 think our instructions need. I'm probably going to  
20 need -- if the predicate act or the racketeering act  
21 is going to be intent to distribute and possession  
22 with intent to distribute, I'm going to need to know  
23 what the drugs are. So if y'all remember to tell me  
24 what drugs you're going to try to prove beyond a  
25 reasonable doubt.

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1                   Mr. Villa, did you have something you  
2 needed to put on?

3                   MR. VILLA: Yes, Your Honor. I just want  
4 to put on the record that when Mr. Perez had that  
5 emergent need to use the restroom today, you know,  
6 that's a symptom of the flu, or sickness, whatever  
7 it is he's got, he's suffering from. He had to run  
8 out through the side door in the courtroom which is,  
9 of course, to the marshals' room, and unfortunately  
10 that was in front of the jury. So rather than  
11 exiting the rear of the courtroom, like we would  
12 normally want to have happen, he had to run through  
13 the marshal door. So I wanted to put that on the  
14 record.

15                  THE COURT: Well, he needs to not do that.  
16 He was told not to do that. So he'll just have to  
17 wait. So don't do that. I watched him go out. You  
18 know, nobody could have told anything, because, you  
19 know, he walks like he does with the cane. So I  
20 think he was okay. But you're right, on the door.  
21 But he's got to wait till the jury goes out of the  
22 room.

23                  MS. ARMIJO: Your Honor, I will note that  
24 at some point during this trial, I noticed in front  
25 of the jury, Ms. Fox-Young went back there. The

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1 door was open, and she went back there. I mean,  
2 there was no client there or anybody else. It  
3 appeared as if she was talking to somebody. But I  
4 remember thinking, well, that's really strange.  
5 That door is open, and she's going back there, and  
6 it's in front of the jury. It may have been in jury  
7 selection. I didn't think anything of it at the  
8 time, other than it was just really odd and wondered  
9 why she was going back there.

10 MR. LOWRY: Your Honor, I can speak to  
11 that really quickly. I know that Mr. Perez is on  
12 medication, as is Mr. Baca. And there was one day  
13 during proceedings where we were both invited back  
14 to that room to get medication for our clients by  
15 the marshals.

16 THE COURT: Just be mindful. I mean, I  
17 think that we've got the jury out, and Mr. Perez  
18 walks with a cane and things, so I don't think  
19 anything was noticed about his walking. But he  
20 probably ought to not use that door until the jury  
21 has cleared the courtroom.

22 We're going to bring the witness up first,  
23 so we're going to hold the jurors just for a second  
24 to get the witness here.

25 MR. LOWRY: Your Honor, just a point of

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1 clarification. Earlier today, we marked as Exhibit  
2 EP the overview of the PNM North facility and I've  
3 been informed by the staff that this should have  
4 been appropriately marked as Exhibit ES.

5 THE COURT: All right. Any objection to  
6 making that change, Mr. Beck?

7 MR. BECK: No, Your Honor.

8 THE COURT: All right. Not hearing any  
9 from anybody else, then ES will be admitted and EP  
10 is not in evidence. It's marked somewhere else. It  
11 was marked, but not admitted.

12 (Defendants' Exhibit EP admitted.)

13 THE COURT: All right. Anything else from  
14 the defendants? Anything else?

15 MS. ARMIJO: Your Honor, at some point  
16 we're going to need a deadline for the defense's  
17 response to our statements. As I indicated  
18 yesterday, we're moving along quickly and I  
19 anticipate that we may even rest our case by the end  
20 of next week, potentially. So we only had 72 hours  
21 to produce those, so we would like to the Court to  
22 set a deadline for any feedback.

23 THE COURT: Could we set a deadline?

24 Because I'll need to build in a little bit of time  
25 for me to look at them, too. And like I said when

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1 we got them, I glanced at them to sort of get a feel  
2 for them, but I'm probably going to need the  
3 defendants to point out if there's any problems. Do  
4 you want to propose a deadline?

5 MR. VILLA: What about to the Court by  
6 Friday, or to the Government by Friday?

7 THE COURT: Why don't you get them to the  
8 Government by Friday.

9 MS. ARMIJO: Can we consider that?  
10 Because here's the issue. Whatever is going to be  
11 redacted, we have to go back and redact the audio  
12 and also the transcript, and that's going to take a  
13 lot of work. And we could be having witnesses on  
14 those as early as Monday.

15 MS. JACKS: Our issue is, we've been going  
16 through tens of thousands of late discovery to  
17 prepare to cross-examine these informant witnesses.  
18 So the defense hasn't exactly had time to sit down  
19 and conference about these.

20 THE COURT: What do you propose as a  
21 deadline to try to make it work from the  
22 Government's standpoint?

23 MR. BECK: I think we could do close of  
24 business Thursday, and then we'd have to put off  
25 some of our witnesses that may bring it in.

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1                   THE COURT: I think we're going to have to  
2 make it at least Thursday, because I need -- you've  
3 got to build me into it, too, if there's going to be  
4 disputes. So let's shoot for the end of business on  
5 Thursday and see how it goes.

6                   MS. DUNCAN: Your Honor, can I propose a  
7 compromise? Perhaps if we know the Government's  
8 witnesses are coming -- I'm guessing it's Billy  
9 Cordova, just on the story. If we could get some of  
10 them by the close of business Thursday, and then a  
11 second set by the close of business Friday.

12                  MR. BECK: I think Gerald Archuleta will  
13 be the first one. So yeah, we anticipated him going  
14 as early as Thursday, but we can wait on him a  
15 little bit. I don't think he has many recordings.  
16 And so if we could do those Thursday, close of  
17 business Thursday, we can settle those.

18                  And it might be prudent just to submit  
19 them to the Court, too. I think -- I anticipate --  
20 we were pretty liberal in our cutting-out. So I  
21 anticipate we won't be agreeing to any further  
22 redactions. That's not a bright-line rule, but I  
23 just anticipate it. So I think probably submitting  
24 them to the Court and to us is a prudent course for  
25 us all to take. So if they could do Gerald

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1 Archuleta's by Thursday and everyone else's by end  
2 of the day Friday. I'm hearing noon Friday, but end  
3 of the day Friday, I think that would be fine.

4 MR. MAYNARD: Your Honor.

5 THE COURT: Mr. Maynard.

6 MR. MAYNARD: One issue with respect to  
7 the Cordova-Herrera conversations is that some of  
8 the conversations -- one of them that's recorded is  
9 an hour long. Now, and I've spoken with Mr.  
10 Castellano about, well, I hope you're not going to  
11 play a whole hour of a rambling conversation.

12 And so I've had a discussion with him  
13 about trying to narrow it down to relevant excerpts.  
14 But there is a lot of give-and-take and conversation  
15 that we have yet to resolve, and we're likely to  
16 have some disputes about what's relevant or what's  
17 just inflammatory on some other track. So there's a  
18 lot of work to work through.

19 THE COURT: Well, it is. And so I have  
20 just got to push you. Let's do Archuleta by the end  
21 of the day on Thursday, and then everybody else by  
22 noon on Friday, because it sounds like if the  
23 Government is not going to negotiate anymore, then  
24 it's going to be me. So I'm going to have to start  
25 looking at those sooner than later. Let's work with

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1 those deadlines and try to move it up to me as soon  
2 as possible.

3 Do send them to Mr. Beck, though, because  
4 I want the Government to take a look at it before I  
5 have to start ruling on it.

6 All right. All rise.

7 (The jury entered the courtroom.)

8 THE COURT: All right. Everyone be  
9 seated.

10 All right, Mr. Urquiza. I remind you that  
11 you're still under oath.

12 Ms. Jacks, if you wish to continue your  
13 cross-examination of Mr. Urquiza, you may do so at  
14 this time.

15 BY MS. JACKS:

16 Q. Mr. Urquiza, how was your lunch?

17 A. It was okay.

18 Q. You actually were held down in a holding  
19 cell downstairs with another Government witness in  
20 this case, Mario Rodriguez, weren't you?

21 A. Yes.

22 Q. And you were just down there chatting to  
23 him about the questions you were being asked up here  
24 in court this morning, weren't you?

25 A. No, I just told him I --

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1 Q. You know you're under oath; right?

2 A. Yes.

3 Q. And you know that lockup downstairs isn't  
4 private.

5 A. Yeah, I know.

6 Q. So I suggest that you tell the truth to  
7 this jury about the conversations you had downstairs  
8 with Mr. Rodriguez.

9 A. I didn't have a conversation with  
10 Rodriguez. All I did was, when I walked by, I said  
11 "Hi," and I just looked at him and said, "Oh, man,  
12 it's brutal." That's exactly what I said.

13 Q. Mr. Urquiza, before lunch we were talking  
14 about this paperwork you claim to have brought down.  
15 And I think you said it had some sort of Las Cruces  
16 Police Department logo on it?

17 A. Yes, ma'am.

18 Q. And it had some typewritten information on  
19 it?

20 A. Yes, like a police report.

21 Q. And today you said it was one page; right?

22 A. Yeah, it was like one page. Yeah.

23 Q. Well, not "like one page." Was it one  
24 page or more than one page?

25 A. One page.

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1 Q. Are you positive about that?

2 A. Yes, it was -- well, what we had was one  
3 page.

4 Q. Okay. When you first talked about the  
5 paperwork with your lawyer and to FBI Agent Acee  
6 back on March 6, 2017, you said it was two pages,  
7 didn't you?

8 A. If -- I said it might be one or two pages.

9 Q. No. Did you tell Agent Acee that it was  
10 two pages? Not "might," not "like," but two pages?

11 A. I said "probably."

12 Q. Probably you did tell him that?

13 A. I said it was probably one or two pages.

14 Q. Did you have -- are you aware that Mr.  
15 Calbert testified yesterday?

16 A. Yes.

17 Q. Okay. And are you aware that Mr. Calbert  
18 initially testified that the document was one page?

19 A. Okay.

20 Q. And so today you're changing your  
21 description from your description in March of 2017  
22 to now match Mr. Calbert's, aren't you?

23 A. No, I told you it was one page. Maybe it  
24 was one or two pages.

25 Q. But you told Detective Acee back in March

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1 of 2017 it was two; right?

2 A. I don't remember. I thought it was one or  
3 two pages.

4 Q. You do know to count, Mr. Urquiza?

5 A. Yes, I do.

6 Q. Okay. Now, what did this paperwork  
7 supposedly say that Mr. Molina said? Do you  
8 remember?

9 A. Yes, more or less. I remember he said  
10 that it wasn't him that was involved in that  
11 purse-snatching; that there was two other guys with  
12 him in the car, and one of the guys he identified  
13 was Jesse Sosa. I don't think he identified the  
14 other one. I just don't remember the other guy's  
15 name.

16 Q. So the statement that you're claiming was  
17 on this document is a statement of Javier Molina to  
18 the police?

19 A. Yes.

20 Q. Okay. And the crime that you think was  
21 involved is a purse-snatching?

22 A. Yes, ma'am.

23 Q. So that's like grabbing a purse off of a  
24 lady's shoulder?

25 A. That's exactly what it was; grabbing it

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1 from an older woman and taking off running.

2 Q. Without a weapon; just using force only?

3 A. Yes, yes.

4 Q. Exhibit 162, please.

5 You were asked some questions yesterday  
6 about the Molina homicide. And I want you to  
7 correct me if I'm wrong, but did you say that  
8 somehow you could actually see people trying to  
9 revive Molina in front of the doors to yellow and  
10 blue pod?

11 A. It kind of looked like they had him laid  
12 out there.

13 Q. Let me stop you. Answer that question.  
14 Did you say that?

15 A. Yes.

16 Q. And at the time that the Molina homicide  
17 happened, were you locked in cell 110?

18 A. Yes, ma'am.

19 Q. Okay. So I want you -- okay, yellow pod  
20 is the pod in the middle; right?

21 A. Yes, ma'am.

22 Q. And your cell, I think you said, was the  
23 second cell closest to where yellow pod and blue pod  
24 come together?

25 A. Yes, at the bottom.

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1       Q.    So I know you can't circle this because  
2 you can't reach the monitor, but is this the cell  
3 that you were in? I tried to circle it.

4       A.    Yes.

5       Q.    Okay. And does your cell have a window on  
6 it? Does cell 110 have a window on it?

7       A.    Yes.

8       Q.    Okay. And just so that I'm clear, or it's  
9 clear for the jury, this dotted line right here --

10      A.    Correct.

11      Q.    -- is the wall that divides blue pod from  
12 yellow pod; right?

13      A.    Yes.

14      Q.    Would you agree with me that's a solid  
15 wall?

16      A.    Yes.

17      Q.    So where was your line of sight to people  
18 working on Mr. Molina?

19      A.    They pulled him out of the pod. I lived  
20 in cell 10. It's directly straight to yellow pod's  
21 window door.

22      Q.    So you're saying you looked out -- you're  
23 claiming that you could look out of the door of your  
24 cell and look out of the entrance door to yellow  
25 pod --

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1 A. Um-hum.

2 Q. -- and you could see Mr. Molina lying on  
3 the floor?

4 A. You could see the nurse. You could see  
5 his feet there.

6 Q. You saw Mr. Molina's feet?

7 A. Well, I'm sure it was his feet. He was  
8 right there. Yellow pod and blue pod's door are  
9 right next to each other. So when they pulled him  
10 out, it was right between it.

11 Q. Are you claiming that the guard and the  
12 nurse were working on Mr. Molina somewhere in that  
13 red area that I just marked?

14 A. More or less, yes.

15 Q. That's in sort of a hallway that adjoins  
16 all three pods?

17 A. Two pods. The other hallway that goes  
18 around the circle to go to green pod.

19 Q. So that's what your testimony is?

20 A. Yes.

21 Q. Mr. Villa asked you some questions about a  
22 statement you made regarding possibly the weapons  
23 coming from a wheelchair program. Do you recall  
24 those questions?

25 A. Yes, ma'am.

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1       Q.    I just want to ask you a couple of  
2 questions about the wheelchair program.  Can you  
3 tell me what that is?

4       A.    They had the SNM group building  
5 wheelchairs for third-world countries.

6       Q.    So like refurbishing used wheelchairs?

7       A.    Yes, ma'am.

8       Q.    Was that a work assignment for some people  
9 in blue, yellow, and green pods?

10      A.    Yes, ma'am.

11      Q.    And did that also involve working on  
12 things like walkers?

13      A.    That I don't know.  I couldn't tell you.  
14 I don't know about that.

15      Q.    Okay.  You didn't work in the wheelchair  
16 program?

17      A.    No, so I couldn't say.

18      Q.    Were there inmates that were able to bring  
19 pieces of metal back from this wheelchair program to  
20 fashion into shanks?

21      A.    I couldn't say yes or no because I don't  
22 know.

23      Q.    That's what I'm asking you:  Did you know?  
24 When you answered Mr. Ryan's (sic) question, I think  
25 the answer was that you suggested that possibly the

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1 weapons came from the wheelchair program.

2 A. Right.

3 Q. So I'm wanting to know what the basis of  
4 that information is. Were you just speculating, or  
5 did you have some sort of knowledge about that?

6 A. It's a possibility. You can smuggle it.

7 Q. So you were just speculating that maybe  
8 that's the situation?

9 A. On -- yeah, I guess, on one of them, yeah.

10 Q. Okay. Well, it's also true that in the  
11 paperwork you read, some of the correctional  
12 officers suspected that the weapons were from the  
13 wheelchair program; right?

14 A. I didn't actually read all the paperwork.  
15 I just read a few pages of certain things. That  
16 wasn't one of them.

17 Q. Well, when you suggested to Agent Acee  
18 that maybe one of the weapons came from the  
19 wheelchair program, that was something you read in  
20 somebody else's discovery; right?

21 A. No. Actually, I was told by somebody that  
22 one of them came from there.

23 Q. I want to follow up on this discovery  
24 situation. So before lunch, you were talking about  
25 the fact that you actually were able to see Jerry

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1 Montoya's state discovery materials for when he was  
2 being prosecuted for the Molina murder here in state  
3 court; right?

4 A. Not all pages, but some, yes.

5 Q. You saw some of it. And you read through  
6 it.

7 A. Yes.

8 Q. And I think that you also mentioned, at  
9 least in your interviews to law enforcement, that  
10 you had the opportunity to review some of Timothy  
11 Martinez' paperwork.

12 A. From when I was in L pod at the South,  
13 yes.

14 Q. Tell me about L pod and who was there with  
15 you and Timothy Martinez.

16 A. I don't mean L pod. I mean K pod, 2-A K  
17 at the South.

18 Q. Okay. So you were housed with Timothy  
19 Martinez in the same pod?

20 A. No. No. I wasn't housed with Timothy  
21 Martinez.

22 Q. How was it that you were able to see  
23 Timothy Martinez' paperwork?

24 A. Jerry Montoya had a few sheets of paper  
25 that he sent to me of Timothy Martinez and Jerry

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1 Armenta.

2 Q. So when you were referring to Timothy  
3 Martinez' paperwork in your interviews with the FBI,  
4 it was actually Jerry Montoya's paperwork about  
5 Timothy Martinez? Is that what you're saying?

6 A. Yeah, pretty much on that.

7 Q. Well, not pretty much.

8 A. Yes, on that. But also on the FBI  
9 indictments that the paperwork got there to 2-A K  
10 pod.

11 Q. So you read the indictments in the case.

12 A. Yes, they were sent to Ron Sanchez from  
13 Dan Dan's lawyer.

14 Q. You just hissed again. You think that's  
15 me?

16 A. Daniel Sanchez's lawyer.

17 Q. You think Daniel Sanchez only has one  
18 lawyer?

19 A. I don't know.

20 Q. Let me ask you this. Are you aware that  
21 Daniel Sanchez has habeas corpus proceedings that  
22 were pending at the time --

23 A. Yes.

24 Q. -- in state court?

25 A. Yes, ma'am, I am.

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1 Q. And are you aware that he had lawyers on  
2 that case?

3 A. Yes, I am. That's why I said lawyer. I  
4 don't know which lawyer he did have.

5 Q. But you got some paperwork -- or you got  
6 the indictments from Ronald Sanchez?

7 A. Yes.

8 Q. And you were able to read that?

9 A. Yes.

10 Q. And indictments in this case are public  
11 record; correct?

12 A. I guess so.

13 Q. Anybody can pull it off the computer;  
14 right?

15 A. I'm not sure.

16 Q. You've never had somebody pull court  
17 records off a computer for you?

18 A. Not indictments like that, no.

19 Q. You also testified that you were housed  
20 with some other people who were working as  
21 Government witnesses; right?

22 A. Right.

23 Q. And I think you listed those as -- was it  
24 Tomas Clark?

25 A. I didn't know he was even working with

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1 them, but I was with Tomas Clark, yes.

2 Q. Who else?

3 A. I just met with him just in that pod.

4 Then I got moved to X pod, and it was Javier Rubio,  
5 Billy Cordova, and eventually it was Robert Martinez  
6 and Flaco -- or Fred Quintana.

7 Q. And was this during the period of time  
8 that you were also working as a Government witness?

9 A. Yes.

10 Q. And one of the things I think we've heard  
11 about is that when you're working as a Government  
12 witness, you get better conditions of confinement.

13 A. Yes. I guess, yes.

14 Q. You're not locked in your cell 23 hours a  
15 day, seven days a week?

16 A. Actually, I was.

17 Q. Did you have tier time when you were  
18 housed with those individuals you just named?

19 A. No.

20 Q. So you were able to confer with them when  
21 either you would go out of your cell and you were  
22 able to talk to them through their cell door?

23 A. I wasn't -- nobody in that pod came out.  
24 It was already locked down.

25 Q. Okay. Were you able to talk with those

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1 individuals in any way whatsoever?

2 A. Maybe here and there with Robert Martinez,  
3 because he was a little closer to me upstairs where  
4 I live. But everybody else, no, because there was  
5 other individuals there that didn't know what was  
6 going on so we didn't want to throw it out there.

7 Q. So you talked with Robert Martinez, like,  
8 through the vents that connected your two cells?

9 A. No, I lived in cell 8, and he lived in  
10 cell 10, so there was a cell between us. So once in  
11 a while we'd make little comments where just me and  
12 him understood what we were talking about.

13 Q. That would be through the vents that  
14 connect the cells?

15 A. No, through the doors.

16 Q. How?

17 A. Through the doors.

18 Q. Through the door.

19 A. Yes.

20 Q. Did you talk to other inmates through the  
21 vents, either the vents that go from the lower cell  
22 to the upper yell, or the vents that go along the  
23 bottom of the cell?

24 A. I wasn't connected to nobody that was  
25 helping through the vents.

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1           Q.    We know that you talked to David Calbert  
2 when you went to the FBI office in August of 2017;  
3 right?

4           A.    Yes, ma'am.

5           Q.    And the purpose of you being permitted to  
6 talk to Calbert was to try to convince him to sign  
7 up for the Government's witness program; right?

8           A.    Well, he was already thinking about it,  
9 but maybe if he seen that I was doing it, maybe it  
10 would help a little bit, so...

11          Q.    How did you know he was already thinking  
12 about it, or is that something he told you?

13          A.    Yeah, he told me afterwards.

14          Q.    Okay. So that's something he told you.

15           But at the time, when that meeting was set  
16 up, that was actually set up for your benefit,  
17 right, at least in part?

18          A.    I guess. I didn't know until the last  
19 minute before I was leaving.

20          Q.    But you were told by the Government that  
21 if you were able to recruit David Calbert, you'd get  
22 some time shaved off your sentence.

23          A.    Actually, I wasn't told by the Government.  
24 There was other individuals that were helping out  
25 the Government told me about it. So that's how that

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1 came about actually.

2 Q. Okay. So you learned about that from  
3 other Government witnesses?

4 A. Yes.

5 Q. And who were those Government witnesses  
6 that told you that if you recruited somebody else,  
7 that you'd get brownie points for that?

8 A. Robert Martinez; and I think I know Fred  
9 Quintana. Those are the two.

10 Q. Some of the guys that you were housed with  
11 for a while?

12 A. Yes.

13 Q. When you met with Mr. Calbert in the FBI  
14 office, did you tell him that you were making a  
15 decision to become a Government witness?

16 A. Yes. I told him I had just decided to  
17 give everything up, and I was going to help him out,  
18 yes.

19 Q. You told him you were making the decision  
20 to become a Government witness? Yes or no?

21 A. I had made a decision.

22 Q. Had.

23 A. Yes.

24 Q. And did you tell him about all the  
25 different benefits that you were getting once you

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1 signed up to become a Government witness?

2 A. No.

3 Q. You didn't say a thing about that?

4 A. No.

5 Q. Did you tell him the story that you were  
6 going to tell -- that you had told the Government  
7 was that you had brought the paperwork down and that  
8 you had said he provided it?

9 A. I told him the truth, how it got there.

10 Q. My question is: Did you tell him that?  
11 Did you tell him that you had involved him, that you  
12 had told the Government that he gave you the  
13 paperwork?

14 A. I told him the truth, if that's what  
15 you're trying to say then. Yes, as in the truth,  
16 yes.

17 Q. Okay. Did you mention to Mr. Calbert  
18 during that meeting that you had put his name out  
19 there as the person that had given you the  
20 paperwork?

21 A. Yes.

22 Q. Because what you didn't want was for him  
23 to go in and say something different to the  
24 Government; right?

25 A. No. That's not right.

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1 Q. Let's talk about the benefits that you've  
2 gotten, because I think you testified yesterday that  
3 you'd gotten about \$300.

4 A. Somewhere. I don't know.

5 Q. That's not really true; right?

6 A. Well, I really don't know exactly how much  
7 I got.

8 Q. You really don't? Don't you spend that  
9 money on commissary and phone calls --

10 A. Yeah.

11 Q. -- and try to give some to your family?

12 A. I also get money from my family, too,  
13 so --

14 Q. So you don't know which money is from your  
15 family and which money is from the federal  
16 government?

17 A. I know. What I'm saying is that I had  
18 money on my books. There's times I didn't really  
19 check, oh, this is how much I got, this and that.

20 Q. The truth is, Mr. Urquiza, that you've  
21 gotten at least \$600 from the federal government;  
22 right?

23 A. Okay.

24 Q. Well, is that the truth or is it not the  
25 truth?

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1 A. No. It is, okay, 600.

2 Q. You don't even know what the truth is.

3 A. Of course I do.

4 MR. BECK: Object --

5 THE COURT: Sustained. Don't comment on  
6 the evidence. There will be argument.

7 BY MS. JACKS:

8 Q. Mr. Urquiza, have you also been provided  
9 contact visits with your family members?

10 A. With my wife one time, yes.

11 Q. Just once?

12 A. Yes.

13 Q. And I think you were asked -- one of the  
14 other benefits you talked about is, you started  
15 getting more telephone calls; right?

16 A. Yeah, unlimited phone calls. So yes.

17 Q. More frequent access to the phone.

18 A. Yes.

19 Q. You made a little face there when you  
20 answered that. Is that -- that's not really true,  
21 or --

22 A. No, the reason is because before I went  
23 that way, I was already getting unlimited phone  
24 calls. I was Level 4. So it's the same thing. I  
25 was already getting unlimited phone calls.

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1       Q.    The truth is that you got so many calls  
2 that you started letting other inmates use your  
3 calling number to call their friends and family.

4       A.    No.

5       Q.    That's a lie?

6       A.    No, that's not why.

7       Q.    I said: That's a lie? You did not --

8       A.    What's a lie?

9       Q.    You did not provide your -- let me ask the  
10 question so that we can be very clear. Did you  
11 provide your PIN number to other inmates so they  
12 could use some of the phone calls that you've been  
13 provided?

14      A.    Yeah, I loaned my PIN number a few times.

15      Q.    And the other benefits you're getting is,  
16 you're getting a federal sentence that runs  
17 concurrent with your state sentence?

18      A.    That's what we're hoping, yes.

19      Q.    And you're hoping for a sentence in  
20 federal court of less than 20 years.

21      A.    Yes.

22      Q.    And you're also hoping to be transferred  
23 to a federal prison that has better confinement  
24 conditions than the State of New Mexico?

25      A.    Yes.

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1 Q. The sentence that you're currently doing  
2 in the State of New Mexico is how long?

3 A. I believe it's a 28-year sentence.

4 Q. And how many years of the 28 years have  
5 you done?

6 A. Since 2008.

7 Q. Okay. So about ten?

8 A. Yes.

9 Q. So you have roughly 18 years left?

10 A. With good time and all that.

11 Q. So what Mr. Villa asked you was, in fact,  
12 true: That -- well, even if you get the maximum,  
13 the maximum federal sentence for what you pled  
14 guilty to is 20 years; right?

15 A. Yes.

16 Q. So even if you get the maximum federal  
17 sentence for what you were permitted to plead guilty  
18 to by the Government, you won't do a day longer than  
19 your state sentence.

20 A. Probably.

21 Q. And the other benefit you got was not to  
22 be charged with a case that carried a life sentence  
23 or the death penalty; right?

24 A. Right.

25 Q. So are those benefits important to you?

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1       A. Well, sure. I mean, my life is in danger  
2 now, of course.

3       Q. Well, do you think the Government is  
4 giving you those benefits in recognition for the  
5 testimony that you're providing here today on their  
6 behalf?

7       A. Well, yes, they're helping me out, because  
8 I'm doing what I'm doing, yes.

9       Q. Okay, now back on February 2 -- I think  
10 Mr. Beck asked you some questions about this, but I  
11 just want to go back to this for a second. Back on  
12 February 2, you refused to get out of your cell;  
13 right?

14      A. Correct.

15      Q. And you refused to be transported?

16      A. Yes, ma'am.

17      Q. And you refused to get out of your cell  
18 and be transported because you didn't like where you  
19 were going to be housed at the end of the transport.

20      A. Yes.

21      Q. And you didn't want to miss the Super  
22 Bowl.

23      A. That's not necessarily why.

24      Q. Well, did you tell the people who  
25 responded to try to talk you into getting out of

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1 your cell and into getting on the transport that one  
2 of the reasons you were refusing is because you  
3 didn't want to miss the Super Bowl?

4 A. No, I didn't have a TV. The TV was lost.

5 Q. Did you refuse because you weren't getting  
6 what you wanted?

7 A. No, I refused because I was in Otero  
8 County for three months, and I went to Santa Fe for  
9 five days, and then they were sending me back to  
10 Otero County.

11 Q. So it was just too much travel?

12 A. No, I just wanted to stay in Santa Fe.

13 Q. When you refused, did you tell people that  
14 everything is off the table?

15 A. Yes.

16 Q. Did you tell people that you're going to  
17 turn the case upside down?

18 A. Yes.

19 Q. And that because you didn't like the way  
20 you were being treated, you were going to back out  
21 of testifying?

22 A. Yes.

23 Q. So in your mind, Mr. Urquiza, if you don't  
24 get what you want, you're not going to say what they  
25 want.

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1           A. It's not what they want. It's the truth.  
2 I just wasn't going to say the truth.

3           MS. JACKS: I have nothing further.

4           THE COURT: Thank you, Ms. Jacks.

5           Mr. Beck, do you have --

6           MS. JACKS: I do have -- I'm sorry, Your  
7 Honor, I have three certified copies of judgments  
8 that I'd like to mark and enter at this time. And I  
9 provided them to the Government yesterday.

10          MR. BECK: No objection, Your Honor.

11          THE COURT: Let's get the --

12          MS. JACKS: So these are going to be  
13 marked AN 1 through 3. Number 1 is from September  
14 14, 1998. Number 2 is from December 16 of 2003.  
15 And number 3 is from January 20 of 2010.

16          THE COURT: Any objections to those, Mr.  
17 Beck?

18          MR. BECK: I just -- no objection. I just  
19 want to make sure they're properly redacted. No  
20 objections.

21          THE COURT: Any other defendant have any  
22 objections? Not hearing any, Defendants' Exhibit AN  
23 1 through 3 will be admitted into evidence.

24           (Defendants' Exhibits AN 1 through 3  
25 admitted.)

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1                   THE COURT: All right. Mr. Beck, do you  
2 have redirect of Mr. Urquizo?

3                   MR. BECK: Yes, Your Honor, thank you.

4                   THE COURT: Mr. Beck.

5                   REDIRECT EXAMINATION

6 BY MR. BECK:

7                   Q. Mr. Urquizo, I think you were cut off a  
8 few times. I think you were trying to explain why  
9 you didn't tell Ms. Jacks the truth about why you  
10 passed the paperwork.

11                  A. Yes. I didn't want to be involved in this  
12 whole thing, because if that came out, my life would  
13 be in jeopardy, because I was still an active SNM Gang  
14 member.

15                  Q. Have you ever testified before, Mr.  
16 Urquizo?

17                  A. No.

18                  Q. Have you ever been cross-examined before?

19                  A. In a trial before, for me, yes; but not,  
20 like, helping out or anything.

21                  Q. And why is that?

22                  A. Because that's against the law, against  
23 our law, that you don't do that. That's pretty much  
24 snitching. You're not allowed to help out at all.

25                  Q. Mr. Urquizo, why didn't you want to go

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1 back to Otero County?

2 A. Because I was there in Otero County for  
3 three months. Then I was sent to Santa Fe. While I  
4 was gone -- when I got in Santa Fe, all my stuff was  
5 missing. Nobody knows what happened to it. So the  
6 little belongings that I did have, I didn't want to  
7 lose them again. I was in Santa Fe for, like, five  
8 days, and I didn't want to go back. And it felt  
9 like I was being mistreated by the Corrections  
10 Department as it was already. That's why I didn't  
11 want to go until I talked to Captain Sapien about  
12 what was going on.

13 If I was told that I was going to court, I  
14 would have came right away. But I wasn't told that.

15 Q. Were you threatened at Otero County last  
16 time you were there?

17 A. Yes. There's another person that's on the  
18 case or a different case, whatever, and started make  
19 remarks, saying there's another FBI informant right  
20 there, and started disrespecting and saying that  
21 Dan Dan and Sanchez and Carlos Herrera came back  
22 from court and said, "All you FBI informants need to  
23 stop doing what you're doing. Have some respect for  
24 each other and stop doing what you're doing."

25 Q. And who was that?

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1 A. Edward Troup.

2 Q. And is he an SNM member?

3 A. Yes, sir.

4 Q. Now, I think you went through several --  
5 with several defense attorneys you went through the  
6 reports in this matter and previous times that you  
7 debriefed with the Government. Do you remember  
8 that?

9 A. Yes, sir.

10 Q. During those debriefs, did you answer the  
11 questions that were asked of you?

12 A. Yes, sir.

13 Q. Now, yesterday you and I discussed  
14 testifying here today. How many times did we meet  
15 to prepare for your testimony?

16 A. I think two times.

17 Q. How many?

18 A. I think two times.

19 Q. Okay. If I told you three, would that  
20 be -- would that surprise you?

21 A. Yeah, I think -- yeah.

22 Q. So it's possible we met three times?

23 A. Yes.

24 Q. And today and yesterday, after meeting  
25 three times, did you have a better idea what I was

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1 going to ask you about yesterday?

2 A. A little bit, yes.

3 Q. And did you prepare in your mind to  
4 testify yesterday after we met?

5 A. Yes.

6 Q. Were you better prepared to testify  
7 yesterday than you were for the questions at all  
8 your debriefs?

9 A. Yes.

10 Q. Now, I think you testified with Ms. Jacks  
11 she came to see you before Mr. Acee did for the  
12 Government?

13 A. Yes, sir.

14 Q. Did she come to see you -- and I think she  
15 said May of 2016?

16 A. Yes, sir.

17 Q. And when was the first time the Government  
18 came and told you you were involved in the case?

19 A. February 24, 2017.

20 Q. So is that almost a year later?

21 A. Yes.

22 Q. And I think on one of the phone calls we  
23 heard about Wild Bill's attorney.

24 A. Yes.

25 Q. Who is Wild Bill?

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1 A. Billy Garcia.

2 Q. Is that another SNM member?

3 A. Yes, he's another SNM Gang leader,  
4 actually.

5 Q. Do you know if he's been charged with any  
6 federal crimes?

7 A. Yes, sir.

8 Q. And was that before Special Agent Acee  
9 came and visited you?

10 A. Yes, sir, right after Ms. Jacks came and  
11 visited. That's when Wild Bill's attorney came to  
12 visit me, too.

13 Q. Did he ask you if you passed the  
14 paperwork?

15 A. Yes.

16 Q. And did you tell him the truth, that you  
17 did?

18 A. No, I told him I did it, and I didn't want  
19 to be part of none of that stuff. I only talked to  
20 him briefly, like five minutes. I told him I didn't  
21 really want to be involved in this anymore.

22 MR. BECK: Ms. Standridge, will you turn  
23 on the Elmo, please? And is Exhibit EQ admitted?

24 THE CLERK: Yes.

25

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1 BY MR. BECK:

2 Q. Mr. Urquizo, I'm showing you what's been  
3 admitted as Exhibit EQ.

4 THE COURT: EQ has been admitted.

5 Q. Do you recognize this exhibit?

6 A. Yes, sir.

7 Q. I'm going to zoom in on the top. Is that  
8 your handwriting that says Q and R?

9 A. Yes, sir.

10 Q. And I think you testified that you said  
11 when you talked to Mr. Baca, he was in Q pod?

12 A. Yes, sir.

13 Q. Is that here on the left where you marked  
14 Q?

15 A. Yes.

16 Q. All right. And up here, just above Q, I'm  
17 circling at the top left of that screen in the dark  
18 area, is that the cage that you were in?

19 A. Yes. It's actually a whole cage. All the  
20 way from the whole front end, that's a big cage.  
21 It's a handball court, so it's actually a whole  
22 cage.

23 Q. Let me see if I can clear this again  
24 without Ms. Standridge's help.

25 A. All windows on Q pod are facing that cage.

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1 Q. So now I circled that whole dark-black  
2 area. Is that one --

3 A. What I mean is, you see there is a first  
4 cage and there is like a hall right there? The left  
5 side, where Q pod -- the whole part of Q pod, that's  
6 a cage right there. Yes, there you go.

7 Q. This whole rectangular area, the dark  
8 area?

9 A. Yes.

10 Q. So is that the cage that you were in?

11 A. Yes, sir.

12 Q. And Mr. Baca, again, was just right there  
13 when you marked Q; is that right?

14 A. No, he was in Q106.

15 Q. Where is that? On the left side, the  
16 middle?

17 A. Going towards R pod, the last cell.

18 Q. So that area at the top right?

19 A. It's a little bit more to your left, but  
20 pretty much right there.

21 Q. Okay. And you said you believe your first  
22 conversation with Mr. Baca was in the summer of  
23 2012; is that right?

24 A. Around August of 2012.

25 MR. BECK: Your Honor, I'm going to show

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1 the witness what's been previously identified as  
2 Government's Exhibits 748 and 747. I learned that  
3 Exhibit 748 has already been admitted as Defense  
4 V-24. And Exhibit 747 is the same as Defendants'  
5 Exhibit Z-4.

6 THE COURT: Do you want to move your  
7 exhibits?

8 MR. BECK: I do. I'll move to admit  
9 Government's Exhibits 747 and 748.

10 THE COURT: Any defendant have any  
11 objection? Not hearing any, then Government's  
12 Exhibits 747 and 748 will be admitted into evidence.

13 (Government Exhibits 747 and 748  
14 admitted.)

15 BY MR. BECK:

16 Q. All right. Mr. Urquiza, I think you were  
17 shown this on cross-examination at some point. Do  
18 you recognize this to be your physical location  
19 history?

20 A. Yes, it looks like it, yes.

21 Q. And I'm going to go down here to the  
22 middle of the first page of Government's Exhibit  
23 748. And I pressed the wrong button. But I'll get  
24 out of here.

25 Now, directing your attention to the

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1 middle of that page, where it says 9/12/2011, where  
2 were you housed September 12 of 2011?

3 A. In W105. At the north. 3-B W105.

4 Q. North?

5 A. Yeah.

6 Q. And then the line above that, it looks  
7 like maybe you were moved later that afternoon to  
8 another pod in the north?

9 A. Yes, I went to V107, to north 3-B would be  
10 107.

11 Q. Then it looks like --

12 A. I was transported to the South.

13 Q. When were you transported to the South?

14 A. 9/27/2012.

15 Q. So is that September of 2012?

16 A. Yes.

17 Q. I'm showing you now what's been admitted  
18 as Government's Exhibit 747. Is that the physical  
19 location history of Anthony Ray Baca?

20 A. That's what it says on the top, yes.

21 Q. And now I'm showing you the summer of  
22 2012. And in the summer of 2012 was Mr. Baca  
23 housed --

24 A. North, 3-A, Q106.

25 Q. And is that where you told me earlier you

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1 talked to him when he was in Q pod?

2 A. Yes, sir.

3 MR. BECK: Do you have Exhibit EO, the  
4 letter? Is that around here somewhere?

5 THE COURT: Ms. Jacks, do you have EO?

6 MS. JACKS: EO?

7 THE COURT: That was Ms. Bhalla, I guess,  
8 that had EO.

9 MS. BHALLA: Your Honor, I think we left  
10 it up there. I can double-check.

11 I'm sorry, Your Honor, I have it. Sorry.

12 BY MR. BECK:

13 Q. Ms. Urquiza, I'm showing you what was  
14 admitted with Ms. Bhalla as Defendants' Exhibit EO.  
15 This is the letter that we stipulated was found in  
16 your cell. But you didn't recognize that as your  
17 handwriting?

18 A. No, sir.

19 Q. Is that right?

20 A. That's right.

21 Q. And before it was presented to you and  
22 told to you that it was in your cell, had you seen  
23 that letter before?

24 A. No.

25 MR. BECK: Your Honor, I'm going to

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1 approach with Government's Exhibit 749 and  
2 Government's Exhibit 750.

3 MR. VILLA: May we approach, Your Honor?

4 THE COURT: You may.

5 (The following proceedings were held at  
6 the bench.)

7 MR. VILLA: Your Honor, we've never seen  
8 these letters before. And according to Mr. Beck,  
9 they just received them.

10 MR. BECK: I was handed them yesterday by  
11 Mr. Urquizo's counsel.

12 THE COURT: Who is that?

13 MR. BECK: Rosanne Camunez.

14 MR. VILLA: Could we take a minute to read  
15 them?

16 THE COURT: What are you going to do? Try  
17 to introduce them?

18 MR. BECK: No, I'm just going to ask if he  
19 wrote this one and then look and compare that to the  
20 handwriting that was found in his cell.

21 MR. VILLA: He already denied that he  
22 wrote the letter in his cell. So what the relevance  
23 of this would be --

24 MS. BHALLA: He also denied that he even  
25 knew it was in his cell. And the other day I

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1 believe it was the first time he'd seen it, Your  
2 Honor, so --

3 MR. BECK: Then the letter was admitted  
4 into evidence, shown to the jury. He said it's not  
5 his handwriting, so I'm hoping to explain this is  
6 his handwriting -- he said it was "pretty" -- and  
7 ask him if that looks similar to the letter in the  
8 cell.

9 THE COURT: Well, if it's not going to be  
10 introduced, let's just take it a question at a time.  
11 We're not here to surprise anybody. We can  
12 reconvene, but I think this is proper here.

13 MR. VILLA: A separate issue: Mr.  
14 Santiago Hernandez, who is the attorney for Mario  
15 Rodriguez, is in the courtroom. And I think under  
16 the rule of exclusion, he ought to be excluded. I  
17 think the attorney has a duty to talk to his client  
18 about anything and everything, and --

19 THE COURT: I think what we've been  
20 doing -- we've had a lot of attorneys come in and  
21 out -- caution them not to talk to him. Who is  
22 Mario's attorney?

23 MR. BECK: Mr. Hernandez. It's the  
24 gentleman in the white shirt and the black tie on  
25 the left there. I think the second row.

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1 (In open court.)

2 THE COURT: Mr. Hernandez. (Motions.)

3 (The following proceedings were held at  
4 the bench.)

5 MR. VILLA: For the record, I appreciate  
6 the Court cautioning him. But I think he's got a  
7 duty to talk to his client. And I don't think,  
8 quite frankly, we can tell him not to.

9 THE COURT: Well, we'll see. If he can't  
10 agree to it, then he'll step out.

11 MR. HERNANDEZ: Yes, sir.

12 THE COURT: How are you doing, Mr.  
13 Hernandez?

14 MR. HERNANDEZ: Good, Your Honor.

15 THE COURT: I guess there is some concern,  
16 with you sitting here in the courtroom, that you  
17 need to talk to your client and talk to him about  
18 what's being said here. I guess I can approach it  
19 two ways. One is, I can get an assurance from you  
20 that you will not talk and be a conduit of what's  
21 taking place here to your client. If you feel, on  
22 the other hand, that, no, you need to talk to your  
23 client about what's going on in here, then I  
24 understand that, and just ask you -- I'll invoke the  
25 rule and ask you to step outside.

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1                   MR. HERNANDEZ: Your Honor, I can assure  
2 you that I will not talk to my client. But if you  
3 prefer that I wait outside, I can do that also.

4                   THE COURT: I don't have a preference. I  
5 think the defendants have a preference, but I don't  
6 have a preference, if you give me your word that you  
7 won't be a conduit and won't relay what's being done  
8 or said here in the courtroom.

9                   MR. HERNANDEZ: You have my word, Your  
10 Honor, yes.

11                  THE COURT: So you can remain. But just  
12 don't be a conduit for what's going on in here.

13                  MR. HERNANDEZ: Yes, sir.

14                  THE COURT: Thank you, Mr. Hernandez.

15                  (Mr. Hernandez left the bench.)

16                  THE COURT: All right. Well, let's take a  
17 question at a time. If we need to reconvene -- but  
18 I think as far as just the signatures or the  
19 handwriting, I think that's probably appropriate.

20                  MR. BECK: And Your Honor, I intend to put  
21 this on the overhead so that he can compare in front  
22 of the jury.

23                  MR. LOWRY: Can we get copies?

24                  MR. BECK: I think I've got another copy.  
25 I don't think I have enough copies.

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1                   THE COURT: Do you have something there?  
2 That's fairly innocuous so that we can just use it  
3 as an exemplar, rather than --

4                   MR. BECK: Yeah. I just intend to kind of  
5 show him the front page and show him the last page  
6 and show him the envelope here.

7                   THE COURT: Is any of that substantive?

8                   MR. BECK: No, no.

9                   THE COURT: All right. Okay.

10                  MR. BECK: And then he talks about not  
11 trusting us, the attorneys for the United States.  
12 But I just intend to --

13                  THE COURT: That one has already been  
14 admitted?

15                  MR. BECK: This one has not. I just  
16 intend to ask him if this is his handwriting and  
17 signature. I don't intend to elicit any of the  
18 statements.

19                  MR. VILLA: Your Honor, if it's signed by  
20 Mr. Urquiza and he says he doesn't trust the  
21 Government, I would argue it's Giglio. We have a  
22 chance to review it and cross-examine him on it. If  
23 Mr. Beck had this yesterday, we should have been  
24 produced a copy yesterday.

25                  MR. BECK: I disagree. I don't think so.

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1 But --

2 THE COURT: Well, you'll get a copy of it  
3 and we'll figure out what to do with it. I'd have  
4 to think about it to figure out if it's useful to  
5 you in any way.

6 MR. VILLA: Obviously, we have to read it,  
7 which we haven't had a chance to.

8 MR. BECK: I do have copies of this  
9 letter.

10 THE COURT: Try not to put anything up  
11 there that they can look at very long.

12 MR. BECK: Sure.

13 (The following proceedings were held in  
14 open court.)

15 THE COURT: Mr. Beck.

16 BY MR. BECK:

17 Q. Mr. Urquiza, I'm showing you what's been  
18 admitted as Government's Exhibit EO, and now I'm  
19 showing you what's been marked for identification  
20 purposes --

21 THE COURT: Mr. Beck, I believe that's  
22 Defendants' Exhibit --

23 MR. BECK: Sorry, Your Honor.

24 BY MR. BECK:

25 Q. Defendants' Exhibit EO. And now I'm

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1 showing you what's been marked for identification  
2 purposes as Government's Exhibit 749. Do you  
3 recognize the handwriting in Government's Exhibit  
4 749?

5 A. Yes, sir. That's my writing.

6 Q. And is that your name at the top, Lupe  
7 Urquiza?

8 A. Yes, sir.

9 Q. And on page 3, is that your signature,  
10 Lupe Urquiza, at the bottom?

11 A. Yes, sir.

12 Q. Did you write this letter?

13 A. Yes, I did.

14 Q. Who is this letter to?

15 A. My lawyer.

16 Q. And I'm showing you again Defendants'  
17 Exhibit EO. Is that your handwriting?

18 A. No.

19 Q. All right. I'm now showing you what's  
20 been marked for identification purposes as Exhibit  
21 750. Is that your handwriting?

22 A. No.

23 Q. And I'm showing you what's the last page  
24 of the yellow. Does that say "Kriminal"?

25 A. Yes, it says "Kriminal."

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1 Q. Have you ever gone by the name or moniker  
2 Kriminal?

3 A. No, sir.

4 Q. Do you know anyone in SNM that does?

5 A. Not an SNMer, but a guy from Albuquerque  
6 named Kevin Folsom.

7 Q. At any time have you been housed with a  
8 guy from Albuquerque known as Kevin Folsom?

9 A. Yes, sir. I was housed with him briefly  
10 in W pod. And then I was moved to T pod and I was  
11 the porter, and he was the porter in 3-B. And they  
12 were allowed to go to my side and we would all kick  
13 it in my cell. There was about four people: Me,  
14 Kevin Folsom, Timothy Martinez, and Fred Quintana.

15 Q. And now I'm going to show you Defendants'  
16 Exhibit EO. And do you see where it says "legal  
17 mail" in quotation marks there?

18 A. Yes, sir.

19 Q. I'm going to show you the envelope for  
20 Government's Exhibit 750, and do you see where that  
21 says "legal mail"?

22 A. Yes, sir.

23 Q. Does that look similar to you as to what's  
24 in Defendants' Exhibit EO?

25 MR. VILLA: Objection, Your Honor. He

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1 can't compare the handwriting. He can testify if he  
2 knows somebody named Kriminal. He can't compare the  
3 handwriting.

4 THE COURT: I agree with that. Sustained.

5 BY MR. BECK:

6 Q. And I think you said you know a Kriminal  
7 as Kevin Folsom; is that right?

8 A. Yes.

9 Q. And does this envelope say it's from Kevin  
10 Joseph Folsom?

11 A. Yes, sir, it does.

12 Q. When you were talking with Ms. Jacks, I  
13 think she asked you if you talked to Mr. Calvert on  
14 August 22, 2017, because you didn't want him to say  
15 something different. Do you remember that?

16 A. Do I remember what she asked me?

17 Q. Do you remember her asking you that?

18 A. Yes, sir.

19 Q. And did you talk to Mr. Calvert on August  
20 22, 2017?

21 A. Yes, sir, I did.

22 Q. Did you try to help him decide to  
23 cooperate with the Government that day?

24 A. Yes, I did. I told him I was pretty much  
25 over it, and we should just let it go. I did. And

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1 he wanted to. He just wanted to see if I was really  
2 doing it. Once he seen I was, he said, "Okay."

3 Q. Did you tell him that you told the truth  
4 about the Javier Molina case?

5 A. Yes, sir, I did.

6 Q. Did you also tell him that you wanted him  
7 to cooperate so you wouldn't have to testify against  
8 him?

9 A. Yes, sir. He's my best friend.

10 Q. When you were housed with the other, as  
11 I'm going to call them, cooperating witnesses for  
12 the Government, did they have tablets with discovery  
13 on them?

14 A. No.

15 Q. Have you ever seen discovery on a tablet?

16 A. No, sir.

17 Q. When you were talking with Ms. Bhalla, Mr.  
18 Herrera's attorney, I think she asked you about your  
19 plea agreement with the Government. Do you remember  
20 that?

21 A. Yes, sir.

22 Q. And she asked you if you remembered that  
23 you were charged with 39 overt acts. Do you  
24 remember that?

25 A. Yes, sir.

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1 Q. Do you remember when she said that you  
2 only pled to one count?

3 A. Yes, sir.

4 MR. BECK: Your Honor, may we approach?

5 THE COURT: You may.

6 (The following proceedings were held at  
7 the bench.)

8 MR. BECK: Your Honor, I intend to offer  
9 into evidence Government's Exhibit 742-B, which is  
10 Mr. Urquiza's plea agreement. And the only thing  
11 redacted in this plea agreement is Ms. Cam Munoz'  
12 preamble to her signature at the end. The factual  
13 basis from his plea agreement is not redacted  
14 because it will show that he indeed pled guilty to  
15 everything that was contained in the 39 overt acts.

16 THE COURT: Any objection?

17 MR. LOWRY: Yes, I thought we had an  
18 agreement on the plea agreements that we were going  
19 to redact factual basis. I mean, Defendant Baca  
20 didn't go there and pull it out.

21 THE COURT: Well, it does seem to me that  
22 it's being offered for the truth. Then it would  
23 be -- are you trying to clear up the line of  
24 questioning whether there were overt acts and  
25 whether there was only one count that he pled to?

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1 Is that what you're trying --

2 MR. BECK: I am, Your Honor. I'm also  
3 trying to clear up the record. I think what  
4 happened is, Ms. Bhalla used this plea agreement as  
5 both the sword and the shield to create the  
6 impression that there were many things that he was  
7 charged with and he pled guilty to only one count,  
8 and that's inaccurate. That's misleading the jury  
9 as to what happened in this case.

10 THE COURT: I guess what I'd like to do is  
11 see if we can clear that up without necessarily the  
12 plea agreement coming in. Do you have another  
13 suggestion? Could you put it in front of him and  
14 lead him through it and say, "Are those all the  
15 charges and you pled to every one of them,"  
16 something along those lines rather than the plea  
17 agreement coming in?

18 MR. BECK: I can do that, Your Honor. I  
19 can ask him.

20 THE COURT: I'm going to give Mr. Beck a  
21 little leeway. He can probably lead it just so  
22 there is not a misimpression, but try to keep the  
23 plea agreement out. We did agree how those would  
24 come in. I think you'll be able to clear up the  
25 record.

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1                   MR. BECK: I think the agreement, Your  
2 Honor, was that they wouldn't come in unless the  
3 door was opened.

4                   THE COURT: Yeah. Let's try to not open  
5 the door. Let's see if we can just clean it up  
6 without opening the door to it.

7                   MS. BHALLA: And I apologize for that. I  
8 think what I was trying to indicate was the  
9 difference between a plea agreement and overt acts,  
10 and I don't think I did a very good job doing it.

11                  THE COURT: Reference your question  
12 specifically. And Ms. Bhalla, you can kind of do  
13 what you want on this, but see if we can keep the  
14 plea agreement out.

15                  MR. BECK: Your Honor, what I could do  
16 instead is, I could offer the Information into  
17 evidence, which is the charge, and I can bring that  
18 out; but it's a charge he pled guilty to, and walk  
19 through the 39 overt acts and ask if he pled to  
20 those.

21                  THE COURT: Do you have any problem with  
22 that?

23                  MS. BHALLA: I think it's going around the  
24 door and getting in the same evidence that we want  
25 to keep out.

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1                   THE COURT: It probably is. Let's just  
2 see if you can walk it through. I think you'll be  
3 able to clean it up sufficiently. Let me ask this.  
4 Are you done with those letters?

5                   MR. BECK: Yes, Your Honor.

6                   THE COURT: Ms. Standridge, Mr. Beck is  
7 going to give you -- it's just one letter, or is it  
8 two?

9                   MR. BECK: Two letters.

10                  THE COURT: Would you make five copies for  
11 the defense lawyers? Is that okay? Do you have  
12 them with you?

13                  MR. BECK: I do.

14                  MS. BHALLA: I can stipulate that the  
15 overt acts are complained in the plea agreement, if  
16 that helps clean up the record.

17                  THE COURT: Okay. You might turn around  
18 and do that.

19                  MR. BECK: I think I'll clear it up with  
20 the questioning, Your Honor.

21                  THE COURT: If you want to stand up and  
22 stipulate, that's fine. And he can accept it or  
23 not.

24                  MS. BHALLA: Thank you, Your Honor.

25                  THE COURT: Mr. Beck.

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1 (The following proceedings were held in  
2 open court.)

3 THE COURT: All right, Mr. Beck.

4 MR. BECK: May I approach the witness,  
5 Your Honor?

6 THE COURT: You may.

7 | BY MR. BECK:

8           Q.     Mr. Urquiza, I'm handing you what's been  
9 marked for identification purposes as Government's  
10 Exhibit 742-B. Do you recognize that document?

11 A. Yes, sir.

12 Q. What is that?

13 | A. That's my plea agreement.

14 Q. And I'm going to direct your attention to  
15 pages 4 through 8, and I'll ask you to look at those  
16 pages and count the number of paragraphs on those  
17 pages.

18 A. Okay. 40.

19 Q. So Mr. Urquizo, in your plea agreement how  
20 many paragraphs were there?

21 A. 40.

22 Q. And I think earlier Ms. Bhalla asked you a  
23 question about how many overt acts there were in  
24 your charge. How many overt acts were there?

25 A. There was 40.

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1 Q. If she said 39, would there be 39?

2 A. 39, yeah.

3 Q. And in those pages, are those your  
4 admissions and pleading guilty?

5 A. Yes, sir.

6 MR. BECK: Your Honor, since Ms.

7 Standridge stepped away, I'm going to show him the  
8 first two pages of 742-B, which are identical to  
9 what's previously been admitted as Government's  
10 Exhibit 742-B.

11 Q. Mr. Urquiza, is this your plea agreement  
12 that you just reviewed?

13 A. Yes, sir.

14 Q. And on page 2 of that plea agreement, do  
15 you see -- and before you signed and entered this  
16 plea agreement, you went over it with your attorney;  
17 is that right?

18 A. Yes, sir.

19 Q. Do you see on page 2, paragraph 4, where  
20 it says the elements of racketeering conspiracy are?

21 A. Yes, sir.

22 Q. What's the first element under A?

23 A. Enterprise.

24 Q. Is it the existence of an enterprise?

25 A. Yeah, existence of an enterprise.

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1 Q. I can't read that either. Let me zoom in  
2 on it.

3 A. Yes, existence of an enterprise, yes.

4 Q. What's the second element of a  
5 racketeering conspiracy?

6 A. That the enterprise was or would be  
7 engaged in or its activities affected or would  
8 affect interstate or foreign -- I don't know how to  
9 say that word.

10 Q. Is that foreign commerce?

11 A. Yeah, foreign commerce, yes.

12 Q. And what's the third element?

13 A. That each defendant knowingly agreed that  
14 a conspirator, which may include the defendant  
15 himself, would commit a violation of 18 USC 1962.

16 Q. And you pled guilty to that charge; is  
17 that right?

18 A. That's right.

19 Q. Mr. Urquiza, I think when you were being  
20 cross-examined by Mr. Villa, he talked to you about  
21 the list of crimes that you did for the SNM. Do you  
22 remember that?

23 A. Yes, sir.

24 Q. And let's see. I wrote it down. I think  
25 he said that if this plea agreement is accepted, you

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1 don't do a single day in prison. Do you remember  
2 that?

3 A. Yes, sir.

4 Q. For the crimes that you and I went through  
5 that you've done for the SNM, have you served or are  
6 you actually serving time for those crimes?

7 A. That's what I'm doing time for right now,  
8 one of my cases, yes.

9 Q. And the court documents, your J & Cs, or  
10 judgment and committals, which Ms. Jacks entered at  
11 the end of cross-examination -- do those actually  
12 say on there the sentences that you're serving?

13 A. No.

14 Q. What are you currently serving time for in  
15 the state?

16 A. First-degree attempted murder on a police  
17 officer, and aggravated assault on a police officer,  
18 and possession of a deadly weapon by a prisoner.

19 Q. And what is that from?

20 A. That's -- I stabbed a correction officer  
21 in the Curry County Detention Center for SNM.

22 Q. Did you and I go over that as one of your  
23 SNM activities?

24 A. Yes, sir.

25 MR. BECK: And lastly, I'll ask Ms.

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1 Standridge to switch it over to the computer really  
2 quickly now that you're back.

3 Q. I think you and I and all the defense  
4 attorneys talked about all the benefits you expect  
5 to receive for your testimony.

6 If we could go to the next page.

7 And what do you have to do to get that  
8 benefit?

9 A. Testify truthfully.

10 Q. And if we file the motion -- zoom in on  
11 paragraph 6, please -- what does the last sentence  
12 of paragraph 6 mean to you?

13 A. That means that if the United States  
14 Attorneys -- they put a motion for the 5K for me to  
15 get a lesser sentence, it's still up to the Court to  
16 determine what I get.

17 Q. Does that mean that the final word in your  
18 sentence or the plea agreement is with the Court?

19 A. Yes, sir.

20 Q. And who is the Court?

21 A. The judge.

22 Q. Which judge?

23 A. This judge.

24 MR. BECK: May I have a moment, Your  
25 Honor?

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1                   THE COURT: You may.

2                   MR. BECK: Nothing further, Your Honor,  
3 thank you.

4                   THE COURT: All right. Thank you, Mr.  
5 Beck.

6                   Do the defendants need a moment?

7                   MR. LOWRY: Yes, Your Honor.

8                   THE COURT: Why don't we take our first  
9 afternoon break now. All rise.

10                  (The jury left the courtroom.)

11                  THE COURT: Let me say something about our  
12 door. I'm not sure the jury knows what every door  
13 is here. We're getting used to being in a  
14 courtroom, and I'm not sure that they know what that  
15 door is and draw any suspicion from it.

16                  I do a program for the Inn of Courts in  
17 Albuquerque where I bring young lawyers over and I  
18 just set them all in the courtroom and explain to  
19 them what each door is. Because many, many young  
20 lawyers don't know what all the doors are in the  
21 courtroom, and they don't even know, sometimes, the  
22 difference between a court reporter and a courtroom  
23 deputy. And those are young lawyers.

24                  I'm not quite convinced the jury is going  
25 to draw much inference from the door over there.

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1 But we need to be careful, and we'll continue to try  
2 to be careful. But I'm not sure that they're as  
3 focused on that door as maybe we will be.

4 All right. We'll be in recess for about  
5 15 minutes.

6 (The Court stood in recess.)

7 THE COURT: All right. Let's go on the  
8 record. Anything we need to discuss? Do the  
9 defendants need to do anything? Want to do  
10 anything?

11 MR. VILLA: I think we would like some  
12 recross, Your Honor.

13 THE COURT: Okay.

14 (The jury entered the courtroom.)

15 THE COURT: All right. Everyone be  
16 seated.

17 All right, Mr. Urquiza. I remind you that  
18 you're still under oath.

19 Mr. Villa, did you have recross that you  
20 wanted to conduct?

21 MR. VILLA: Yes, Your Honor. Thank you.

22 THE COURT: Mr. Villa.

23 RECROSS-EXAMINATION

24 BY MR. VILLA:

25 Q. May I use the Elmo, please?

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1                   Mr. Urquizo, I'm going to show you  
2 Government's 749, which Mr. Beck showed you a minute  
3 ago, and he was talking about your handwriting.  
4 This is a letter to your attorney; right?

5                   A. Yes, sir.

6                   Q. The same attorney you spoke to during the  
7 break, the last break --

8                   A. Yes, sir.

9                   Q. -- after some of your examination, and  
10 then you got to testify some more?

11                  A. Yes, sir.

12                  Q. That's when you talked to her?

13                  A. I just talked to her earlier, yeah.

14                  Q. Okay. So you're saying the first page  
15 handwriting -- that's your handwriting?

16                  A. Yes, sir.

17                  Q. And on the last page, you're saying that's  
18 also your handwriting.

19                  A. Yes, sir.

20                  Q. Now, let me ask you to clear up a couple  
21 of things. You said you met with Mr. Beck, and he  
22 was asking you some questions about getting you  
23 better prepared for your testimony. When did you  
24 meet with Mr. Beck? Last night?

25                  A. Yesterday.

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1 Q. You met with Mr. Beck yesterday?

2 A. Yes.

3 Q. Before you testified?

4 A. Yes. Briefly, yes.

5 Q. And in response to his questions about  
6 whether you were more prepared for your testimony,  
7 what you're saying is, after you met with Mr. Beck,  
8 you're more prepared to tell the jury what you told  
9 them yesterday and today?

10 A. I mean, I was a little refreshed on  
11 certain things, yeah.

12 Q. All right. He helped refresh you; is that  
13 right?

14 A. Yes.

15 Q. Now, with respect to this letter, do you  
16 agree with me that on the first page, you asked --  
17 let me go back here to the first page. You're  
18 asking your lawyer, "So if you can please call Mark  
19 Myers." Do you see that?

20 A. Yes, sir.

21 Q. And you identify Mark as the Deputy  
22 Secretary of Corrections?

23 A. Yes.

24 Q. All right. So you wanted -- and by the  
25 way, this letter -- we can clear the screen -- is

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1 April 2, 2017; right?

2 A. Yes.

3 Q. So it's after the second meeting you had  
4 with Mr. Acee; correct?

5 A. Yes, sir.

6 Q. And so at that point you felt like you  
7 could tell your lawyer to call the Deputy Secretary  
8 of Corrections, Mark Myers; right?

9 A. I didn't feel -- I just --

10 Q. You asked, didn't you?

11 A. Yes, I asked her, yes.

12 Q. And you asked about whether he can get the  
13 warden, Franco, to give you back your visits as well  
14 as -- can you read your handwriting there? Is this  
15 word here "as well as moving, moving me"?

16 A. "Moving me to Las Cruces."

17 Q. So you wanted to get your visits back  
18 after you spoke to Mr. Acee on March 6, and you  
19 wanted to get moved to Las Cruces.

20 A. Yes, sir.

21 Q. And on the last page of your letter you  
22 said -- well, I guess we've got to start here. So  
23 right here, "I guess what I'm getting at is, if they  
24 don't want to do anything with me, then they can  
25 just charge me -- I think, if they just charge me

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1 for that hit with Julian Romero, which is  
2 aggravated" -- did I read that right?

3 A. Yes, sir.

4 Q. Then I'll switch the page -- "aggravated  
5 assault, which doesn't carry that much time, we'll  
6 be okay" -- and I'll keep reading and stop using the  
7 line -- "that FBI guy said they don't have to charge  
8 me with a high crime, as long as it's something to  
9 be able to get me on the federal side, be able to  
10 help me out a lot more, I know." Did I read that  
11 right?

12 A. Yes, sir.

13 Q. Then you say, "I know you don't really  
14 trust them, nor do I."

15 A. Yes, sir.

16 Q. "But I already rolled the dice by saying  
17 what I did. So I'm just gonna take my chances."

18 Did I read that right?

19 A. Yes.

20 Q. When you're saying, "I don't really trust  
21 them," you're talking about them? (Pointing to AUSA  
22 table.)

23 A. Yes, at the beginning when I started  
24 talking to them, yes.

25 Q. Okay. So you talked to them twice; right?

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1 A. Yes.

2 Q. February 24?

3 A. I had talked to the United States  
4 Attorneys for the first time in March. But Acee  
5 twice.

6 Q. Acee twice, okay. And you didn't trust  
7 them.

8 And now I'm just moving down to the last  
9 paragraph. You said right here, "Well, I hope you  
10 can do something soon, because I feel like nothing  
11 is being done. Then I guess I have no choice but to  
12 go back up, let them do whatever they want, and I  
13 won't testify or anything"?

14 A. Right.

15 Q. Right? So give me what I want, or else I  
16 won't testify?

17 A. Pretty much what it sounds like, yes.

18 Q. When you were with the gang, you sort of  
19 had the same attitude; right? We're talking about  
20 some of the things you did for the SNM and Mr. Beck  
21 asked you about that, that you did what you had to  
22 do for the gang; right?

23 A. Yes, sir.

24 Q. And in turn, you wanted to get something  
25 back.

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1 A. Eventually, yes.

2 Q. From the gang.

3 A. Yes.

4 Q. And although, as Mr. Beck asked you,  
5 you're doing time for some of the things you did for  
6 the gang, you're not doing time for everything you  
7 testified about that you did for the gang, are you?

8 A. Everything but the one crime, yes.

9 Q. The one crime. And the plea agreement Mr.  
10 Beck asked you about just a minute ago in which you  
11 pled guilty to 39 or 40 overt acts -- that's the  
12 same plea agreement in which you're hoping for a  
13 consecutive (sic) sentence to your state time;  
14 right?

15 A. Yes, sir.

16 Q. So that, in reality, if you get that and  
17 that sentence is less than what you owe the State,  
18 you're not doing any more time for the crimes that  
19 you admitted to in that plea agreement.

20 A. No, but I've done 10 years on it already,  
21 so --

22 Q. Well, you got to do 10 years, no matter  
23 what; right?

24 A. Yes, sir.

25 Q. You're doing a sentence right now -- and I

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1 know there's some confusion about how much time you  
2 have left -- but if we assume it's ten years, you  
3 have to do that no matter what you do; right?

4 A. Right.

5 Q. But when the feds came after you, they  
6 wanted to give you more time, didn't they?

7 A. Yes.

8 Q. Maybe life?

9 A. Maybe.

10 Q. Maybe 20 more years?

11 A. Yes.

12 Q. But now with the deal you've got, if it  
13 works out, you'll get same amount of time for  
14 everything that you pled guilty to in that plea  
15 agreement. You don't have to do any more jail time.

16 A. Correct, but I have already done 10 years,  
17 though.

18 Q. Okay. But not for what you pled guilty to  
19 in the plea agreement for the feds; right?

20 A. Yes.

21 Q. You agree with me on that?

22 A. Yes.

23 MR. VILLA: That's all I have. Pass the  
24 witness.

25 THE COURT: Thank you, Mr. Villa.

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1                   Ms. Jacks, do you have recross of Mr.  
2 Urquizo?

3                   RECROSS-EXAMINATION

4 BY MS. JACKS:

5                   Q. So this is Exhibit EO, and Mr. Urquizo,  
6 this is the letter that was found in your cell. Mr.  
7 Beck asked you some questions about that. So you  
8 said that now that you've looked at the other letter  
9 that Mr. Beck gave you, the handwriting looks  
10 similar to the handwriting of someone that goes by  
11 the name of Kriminal.

12                  A. Yes.

13                  Q. Also known as Kevin Folse. F-O-L-S-E.

14                  A. Yes.

15                  Q. And you said -- I think I heard you  
16 right -- that you were housed with Mr. Folse?

17                  A. Shortly, but in the W pod, yes.

18                  Q. And that you were -- and that you were  
19 housed with him when you were moved to a different  
20 pod, T pod?

21                  A. No, I wasn't housed with him. He was  
22 coming out as porter in 3-B, and I was a porter for  
23 3-A. So I would be able to come out and clean.

24                  Q. That's what I was getting to. You said  
25 that you two were porters together.

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1           A.    He was on the other side, but he was able  
2 to come to the other side. And they didn't mind if  
3 we were in our cells kicking it together.

4           Q.    I'm just trying to understand. A porter  
5 is somebody that helps clean and straighten up the  
6 pod?

7           A.    Yes, ma'am.

8           Q.    And Folse was a porter in one pod?

9           A.    Actually, the whole housing unit for 3-B,  
10 and I was the porter for housing unit 3-A.

11          Q.    Okay. And so 3-A and 3-B are in the same  
12 housing unit?

13          A.    Two separate units.

14          Q.    Were you both porters?

15          A.    Yes.

16          Q.    And as that job porter, did you both get  
17 the opportunity to interact with each other?

18          A.    Yes.

19          Q.    And I think what you said is you would  
20 also kick it with him in your cell?

21          A.    Yes.

22          Q.    Meaning hang out with him in your cell?

23          A.    Yes.

24          Q.    Talking and doing whatever?

25          A.    Yes.

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1 Q. And was that a privilege that -- this was  
2 during the time that you were a government witness;  
3 right?

4 A. Yes.

5 Q. And Mr. Folse was also a government  
6 cooperator, wasn't he?

7 A. From what I hear. Don't know.

8 Q. Well, Mr. Folse and you -- didn't you talk  
9 about things that he provided the information he  
10 provided to the Government?

11 A. No, he's not an SNM member, so --

12 Q. When you were hanging out in your cell as  
13 porters together, you also mentioned Timothy  
14 Martinez.

15 A. Yes, ma'am.

16 Q. How did Timothy Martinez fit into that  
17 mix?

18 A. He ended up getting moved to T pod  
19 briefly. We were in the same pod for, like, maybe  
20 three weeks.

21 Q. Was he allowed to hang out in your cell  
22 with Mr. Folse, too?

23 A. Yes.

24 Q. So you would kick it with Timothy  
25 Martinez?

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1 A. Yes.

2 Q. And Timothy Martinez is also a Government  
3 witness in this case, isn't he?

4 A. Yes.

5 Q. And Timothy Martinez had a computer tablet  
6 given to him after he was arrested as a defendant on  
7 the case?

8 A. Yes, but he lost it in Sandoval County.

9 Q. You mean it was taken from him. He didn't  
10 actually lose track of it. It got removed from his  
11 possession; right?

12 A. Yes.

13 Q. After he reset the tablet and accessed the  
14 internet and started surfing Facebook and porn  
15 sites?

16 A. I actually don't know exactly, because I  
17 wasn't there. But something like that.

18 Q. And Fred Quintana. You mentioned his  
19 name?

20 A. Yes, ma'am.

21 Q. Quintana was also a Government cooperator;  
22 right?

23 A. Yes.

24 Q. So was he also kicking it back with you in  
25 your cell?

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1           A. Yes, him and Kevin Folse, the porters in  
2 3-B; and I was porter in 3-A, me and Timothy  
3 Martinez.

4           Q. So in your spare time, you guys could just  
5 hang out, do whatever you wanted?

6           A. Yeah, stay out cleaning, so, yes.

7           Q. Now, is it your -- I mean, is what we're  
8 supposed to assume is this Exhibit EO was somehow,  
9 like, left in your cell by mistake by Mr. Folse?

10          A. It's not really a mistake. I could  
11 explain to you, if you like.

12          Q. Well, Mr. Folse, in this letter, if you  
13 read it closely, he's giving instructions about how  
14 to smuggle drugs into the facility; right?

15          A. I see that.

16          Q. Right. And was Mr. Folse writing this  
17 letter to you and Mr. Martinez and Mr. Quintana to  
18 teach you or help you be more effective in smuggling  
19 in drugs?

20          A. No.

21           MS. JACKS: Thank you. I have nothing  
22 further.

23           THE COURT: Thank you, Ms. Jacks.

24           Mr. Lowry, do you have recross of Mr.  
25 Urquiza?

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## 1 RECROSS-EXAMINATION

2 BY MR. LOWRY:

3 Q. Good afternoon, Mr. Urquiza.

4 A. Good afternoon.

5 Q. In all those acts you were talking about,  
6 all the things you pled guilty to, they started as  
7 early as 1998; correct?

8 A. Yes, sir.

9 Q. And during that time from 1998 to 2008, my  
10 client, Anthony Ray Baca, wasn't even in New Mexico,  
11 was he?

12 A. No.

13 Q. And the leader of the SNM was Gerald  
14 Archuleta, wasn't he?15 A. At that time he was one of the leaders,  
16 yes.

17 Q. But he's a significant player in the SNM.

18 A. He was, yes.

19 Q. And Gerald Archuleta is the one that  
20 ordered the Julian Romero hit.21 A. Yeah, the hit had been on him for, like,  
22 ten years, yes.23 Q. We talked about this earlier; because  
24 Julian Romero stole his wife?

25 A. Yes.

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1       Q.    But the reality of this letter is, you  
2 know from studying this case as you have that Gerald  
3 Archuleta got the three-year deal that you wanted  
4 here for the aggravated assault charge?

5       A.    I just know the lesser charge.

6       Q.    And you know that that charge, because  
7 you'd been studying the federal manual of criminal  
8 sentencing -- that that particular charge only has a  
9 three-year sentence?

10      A.    Yes, sir.

11      Q.    And that's the charge that Gerald  
12 Archuleta pled guilty to.

13      A.    From what I understand or heard, I haven't  
14 seen it, so I really don't know.

15      Q.    But you understand that Gerald Archuleta  
16 pled guilty to that three-year sentence, the one  
17 that you wanted?

18      A.    I think so, yes.

19      Q.    That's significantly less than the 20-year  
20 sentence that's on the table.

21      A.    Yes.

22      Q.    And you're saying, "Give me that or I  
23 walk"?

24      A.    I was trying to get into federal custody  
25 instead of state custody. That's why I told him to

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1 just go ahead and charge me with that.

2 MR. LOWRY: No further questions, Your  
3 Honor.

4 THE COURT: Thank you, Mr. Lowry.

5 Mr. Maynard. Ms. Bhalla, anything  
6 further?

7 MS. BHALLA: No, Your Honor. Thank you.

8 THE COURT: Thank you, Ms. Bhalla.

9 All right. Mr. Beck, do you have  
10 redirect?

11 MR. BECK: Briefly.

12 REDIRECT EXAMINATION

13 BY MR. BECK:

14 Q. Again, Mr. Urquiza, I think you were cut  
15 off. You said that you could explain if you like.  
16 I just wanted to give you that opportunity.

17 A. Yes, sir. When I was housed in W pod with  
18 Kevin Folse briefly, he had hooked me up with a  
19 female to talk to, and I started talking to her.  
20 And right away, she started accepting my calls and,  
21 you know, writing me a lot of letters, sending me  
22 money. So he wasn't really too cool with that. So  
23 he started writing to her, and telling her, "Hey,  
24 how come you never did that stuff for me?"

25 So I think he had a little grudge on me.

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1 And he never really said nothing directly to me, but  
2 he did to her. And she told me about it on the  
3 phone and stuff like that.

4 So we were porters. He would always look  
5 at me funny, or whatever. So he was in my cell.  
6 And two days before they shook down my cell, we were  
7 in my cell, all four of us, just there. And then,  
8 like I said, two days later, even the manager goes  
9 and shakes down my house and says that they found a  
10 letter in my house. And the STIU went to my house  
11 and he asked me, "How did Kevin Folse's letter get  
12 in your cell?"

13 And I'm like, "What?"

14 And then they asked me to take a UA  
15 because somebody went and said I was getting high.  
16 I took a UA and I was clean. I told them I don't  
17 get high.

18 Q. What does UA mean?

19 A. A piss test.

20 Q. It's a urinalysis?

21 A. Yes.

22 Q. And if it's clean, what does that mean?

23 A. That means that I wasn't using.

24 Q. And did you use Suboxone?

25 A. No. It has been a few years.

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1 Q. Did you write that letter?

2 A. No.

3 Q. I'm showing you what was marked as  
4 Government's Exhibit 49.

5 MR. BECK: And Your Honor, I'll move to  
6 admit Government's Exhibit 49 into evidence.

7 THE COURT: Any objection?

8 MS. JACKS: May we approach?

9 MR. VILLA: Your Honor, for the record,  
10 it's 749.

11 (The following proceedings were held at  
12 the bench.)

13 THE COURT: Hurts or helps you?

14 MS. JACKS: Obviously, it's a mixed bag.

15 THE COURT: You can keep it out if you  
16 want or keep it in.

17 MS. JACKS: We want to keep it out. We  
18 brought the parts in.

19 THE COURT: So it won't be admitted.

20 (The following proceedings were held in  
21 open court.)

22 THE COURT: All right, Mr. Beck.

23 MR. BECK: So Your Honor, I'll move to  
24 admit Government's Exhibit 749.

25 THE COURT: And I'll keep it out of

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1 evidence.

2 BY MR. BECK:

3 Q. I think Mr. Villa was talking to you about  
4 this, that you wanted Mr. Myers to give you personal  
5 visits. Is that what you were asking your attorney  
6 for?

7 A. Yes, contact visits.

8 Q. Did Mr. Myers give you those contact  
9 visits?

10 A. No. I was not moved to Las Cruces either.

11 Q. Did you ask Mr. Myers to move you to Las  
12 Cruces?

13 A. Yes, and he said no.

14 Q. And then I think on the bottom you said  
15 you wanted a charge that had a three-year maximum  
16 sentence. Were you charged with that crime?

17 A. Yes.

18 Q. Were you charged with the crime that had a  
19 three-year maximum sentence?

20 A. Oh, no. No.

21 Q. And on that last paper when you said, "I  
22 already rolled the dice by saying what I did so,"  
23 what did you already say that you rolled the dice  
24 with?

25 A. That would be -- I told them what happened

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1 with the Javier Molina murder and the Julian Romero.

2 So I told them everything, what happened.

3 MR. BECK: Pass the witness.

4 THE COURT: All right. Mr. Urquiza, you  
5 may step down.

6 Is there any reason Mr. Urquiza cannot be  
7 excused from the proceedings, Mr. Beck?

8 MR. BECK: No, Your Honor.

9 THE COURT: How about from any of the  
10 defendants?

11 MR. LOWRY: He can be excused, Your Honor.

12 MS. JACKS: No, let's keep him. We'd like  
13 him available for re-call, if necessary, Your Honor.

14 THE COURT: All right. You'll remain  
15 subject to re-call, but at the present time you can  
16 leave, and you'll need to stay outside of the  
17 courtroom. All right. Thank you for your  
18 testimony.

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1 UNITED STATES OF AMERICA

2 STATE OF NEW MEXICO

3

4 C-E-R-T-I-F-I-C-A-T-E

5 I, Jennifer Bean, FAPR, RDR, CRR, RMR, CCR,  
6 Official Court Reporter for the State of New Mexico,  
7 do hereby certify that the foregoing pages  
8 constitute a true transcript of proceedings had  
9 before the said Court, held in the District of New  
10 Mexico, in the matter therein stated.

11 In testimony whereof, I have hereunto set my  
12 hand on this 12th day of March, 2018.

13

14   
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